

AN  
ANSWER TO  
THE FIRST PART  
OF A CERTAINE CON-  
FERENCE, CONCERNING  
SVCCESION, PVBLISHED  
not long since vnder the name  
of *R. Dolman.*



AT LONDON  
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AN  
ANSWER TO  
THE FIRST PART  
OF A  
TREATISE  
ON THE  
ART OF  
DRESSING



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TO THE KINGS MOST  
EXCELLENT  
MAIESTIE

**M**ost loued, most dread, most  
absolute both borne and re-  
spected Soueraigne, to offer  
excuse for that which I nee-  
ded not to haue done, were  
secretly to confesse, that hauing the  
iudgement to discerne a fault, I wanted  
the will not to commit it. Againe, to  
seeke out some coulers to make it more  
plausibile, were to bring in question the  
sufficiencie thereof. Therefore without  
further insinuation either for pardon or  
for acceptance, I here present vnto your  
Maiestie this defence, both of the pre-  
sent authoritie of Princes, and of succes-  
sion

THE EPISTLE DEDICATORIE.

tion according to proximitie of bloud :  
wherein is maintained, that the people  
haue no lawfull power, to remoue the  
one, or repell the other : In which two  
points I haue heretofore also declared  
my opinion, by publishing the tragicall  
euents which ensued the deposition of  
King *Richard*, and vsurpation of King  
*Henrie* the fourth. Both these labours  
were vndertakē with particular respect,  
to your Maiesties iust title of succession  
in this realme: and I make no doubt, but  
all true hearted Englishmen wil alwaies  
be both ready and forward to defend  
the same, with expence of the dearest  
drops of their bloud. The Lord vouch-  
safe to second your honorable entrance  
to the possession of this crowne, with a  
long & prosperous continuance ouer vs.

Your Maiesties most humble and faithfull  
subiect. *IO: HAYWARD.*

*Qui tibi Nestorem concessit potius et ora,  
Nestores etiam concedat Iupiter annos.*



## TO R. DOLEMAN.



One will thinke it strange Maister Doleman; that hauing lien these many yeares in quiet harbour fro the tempest of mens tongues, you should now feele a storme to breake vpon you; peraduenture you were perswaded (as euery one suffereth himselfe to be beguiled with desire) that this silence did growe, either vpon acceptance of your opinion, or from insufficiencie to oppose against it. I assure you neither; but partly from contempt, and partly from feare. The contempt proceeded from the manner of your writing, wherein you regarde not *the* but *the* : not how either truly or pertinently, but how largelye you do write: endeavouring nothing else, but either to abuse weake iudgements, or to feede the humors of such discontented persons, as want of disgrace hath kept lower then they had set their swelling thoughts. The feare was occasioned by the nimble eare which lately was borne to the touche of this string: for which cause our English fugitives did stand in some aduantage, in that they had free scope to publish whatsoeuer was agreeable to their pleasure; knowing right well, that their bookes could not be suppressed, and might not be answered.

# THE EPISTLE

It may be you will question, wherefore I have not answered your second part: it is ready for you, but I have not now thought fit to divulge the same; partly because it hath been dealt in by some others; but principallie because I know not how convenient it may seeme, to discusse such particulars, as with generall both liking and applause are now determined. I forbear to expresse your true name; I have reserved that to my answer to some cast Pamphlet which I expect you will cast forth against mee: and I make little doubt but to drive you in the end to such desperate extremitie, as (with Achitophell) to sacrifice your selfe to your owne shame, because your mischievous counsaile hath not bin embraced.



# AN ANSVVERE TO THE FIRST CHAP- ter; whereof the Title is this.

That succession to gouernement  
by neerenesse of bloude is not by lawe of  
Nature or deuine, but onely by humane and  
positiue lawes of euery particular common  
wealth: and consequently, that it may  
upon iust causes, be altered by  
the same.



ERE you beginne, that  
other conditions are re-  
quisite for comming to  
gouernement by successi-  
on, besides propinquitie  
or prioritie of bloude;  
which conditions must be  
limited by some higher  
authoritie then that of  
the King, and yet are they  
prescribed by no law of Nature or deuine. For o-  
therwise, one that wanteth his wits or senses, or is  
a Turke in religion, might succeed in gouernment;  
which you affirme to be against al reason, law, reli-  
gion, wisdom, cōsciēce, & against the first end of In-  
stitutio of cōmō wealths. And that *Byllay*, who main-  
taineth the contrarie, doth it in fauour and flattery  
of some particular Prince.

A

What

<sup>a</sup> In c. 1. tit. de  
success. feud.

<sup>b</sup> In quest. an rex  
Francie recog-  
noscat 'superio-  
rem.  
<sup>c</sup> In l. nemo. D.  
de leg. 1.  
<sup>d</sup> In l. cū prator.  
<sup>e</sup> non autem. D.  
de iudi.

What cōditiōs are requisit in succession besides pri-  
ority of blood, & by what authority they are to be li-  
mited, I wil the examin whē you shal propoūd : but  
for your reason of this assertiō, you must heave oter  
men the *Billay* out of credit, for reason, law, cōsciēce,  
& wildom, before you cary it for cleare good. As for  
entire cōtrariety in religion, or differēce in some par-  
ticular points therof, whether it be a sufficient cause  
of exclusion, or no, I wil refer my selfe to that place,  
where you do strain your strength about it. In disabi-  
lities to govern, *Baldus*<sup>a</sup> doth distinguish, whether it  
be naturall, or accidentall, affirming, that in the first  
case it sufficeth to exclude, because he that is incap-  
able of governmēt frō his birth, had neuer any right  
of successiō settled in him: in the other it doth not suf-  
fice; because he that is once inuested in right of suc-  
cession, cānot be depriued therof without his fault.  
Many do follow this distinction; *Jouguen*<sup>b</sup> doth limit  
it, to such dignities as are not absolute. But *Ision*<sup>c</sup>, *An-  
gelus*<sup>d</sup>, & diuers others do indistinctly hold; that the  
eldest son of a king or other gouernor, although he  
be borne either furious, or a fool, or otherwise de-  
fectiue, cānot therefore be excluded frō his successiō.  
These affirm, that any end of institution of common  
wealths is, if not fully, yet better satisfied, by appoin-  
ting a protector of the state (as vpo diuers occasions  
it hath bin vsuall) then by acknowledging another  
prince; as wel for other respects, as for that by conti-  
nuāce of succession in one discent, a faire & ordinary  
occasion is remoied, both of mutiny & inuasion. For  
enemies wil not readily attempt, & subiects do most  
willingly obey that prince, whose ancestors haue  
worn out those humors both of hatred & contempt  
which



which do commonly accompany new raised estates. I wil not confirm this last opinion, by the exāple of *Neptune* the son of *Saturn*; who, although he was lame on both his legs, yet had the gouernment of the sea allotted to him: but I wil cōfirm it by the practise of *Athens* & *Lacedemon*, the two eyes of *Gracia*, as *Leptines*<sup>e</sup> & *Iustine*<sup>d</sup> do aptly term thē. *Herodotus* reporteth that whē *Alexandrides* king of *Sparta* left 2. sons, *Cleomenes* the eldest, distracted in wits; & *Dorieus* the youngest, both of ability & inclination to all actions of honor, the *Lacedemoniās* acknowledged *Cleomenes* for their king. *Agisilaus* also the famous king of *Lacedemon* was lame, as *Plutarch* & *Probus Aemilius*<sup>h</sup> do report. *Paul. Orosius*<sup>i</sup> saith, that the *Lacedemonians* did chose to haue their K. halt rather thē their kingdom. *Herodotus*<sup>k</sup> also writeth that after the death of *Codrus*<sup>k</sup> king of *Athens*; *Medon* his eldest son, & *Neleus* the next, did contend for the kingdom, becaule *Neleus* would not giue place to *Medon*, who was by reason of his lame legs, if not vnable, yet vnapt to gouerne. The matter being almost brought to the sentence of the sword, it was mediated between thē, that the cōtrouersie should be decided by the Oracle of *Apollo*. *Apollo* was consulted; by whose iudgement *Medon* was declared king. *Iosephus*<sup>l</sup> hath left recorded, that *Aristobulus* & *Hircanus*, after a long & cruel contētion for the kingdom of *Iury*, made *Pompeie* the iudge of that right which by arms they wer vnable to decide. *Hircanus* alleaged that he was eldest brother; *Aristobulus* excepted, that *Hircanus* was insufficient to gouern a realme. Hereupon *Pompei* gaue sentence, that *Aristobulus* should giue ouer the kingdome which he did vsurp, & *Hircanus* be restored to his estate.

<sup>e</sup> apud Aristot. rhetor. 3. ca. 10.  
<sup>d</sup> Lib. 5.  
<sup>c</sup> in cerypchoe

<sup>h</sup> In eius vita.  
<sup>i</sup> Lib. 3. ca. 2.

<sup>k</sup> Vbi. 5.

<sup>l</sup> Antiqu. 14. ca. 3

Cap. i.

<sup>m</sup> Lib. 1. 2. belli  
Punici.

<sup>3</sup> Allobroges.

<sup>a</sup> In Lisander.

<sup>a</sup> Michael Ric-  
cius.  
<sup>p</sup> Lib. 1. de l'e-  
state de France.

An Answer to Dolman.

The like iudgement doth *Livy*<sup>m</sup> write, that *Annibal* gaue for the kingdome of that country, which is now called *Sauoy* & restoring *Brancus* vnto his right, from which he had beene by his younger brother expelled. And although *Pyrrus* did appoint that sonne to succede, whose sworde had the best edge, yet was the eldest acknowledged, who bare the least reputation for valour. *Lisander* moued the *Lacedaemonians* to decree, that the most sufficient, & not alwaies the next in blood of the ligne of *Hercules*, should be admitted to the kingdome; yet *Plutarch*<sup>a</sup> saith, that he found no man to second his aduise.

I will adde an example of later times. *Ladislaus*, a man more famous for the sanctitie of his life, then for his kingdom of *Hungary*, left by his brother *Grisa* two nephewes; *Colomannus* the elder, who was dwarfy, lame, crooke-backed, crab-faced, blunt and bleare-eyed, a stammerer, and (which is more) a Priest: and *Almus* the younger, a man free from iust exception. Yet these respects set aside, a dispensation was obtained from the Pope, and *Colomannus*, notwithstanding his deformities and defectes, was accepted by the people for king. *Girarde*<sup>p</sup> writeth, that the custome of the French was to honour their kings whatsoeuer they were, whether foolish or wise, able or weake: esteeming the name of king to be sacred, by whomsoeuer it should be borne. And therefore they supported in estate, not onely *Charles* the simple, but *Charles* the 6. also, who reigned many years in open distemperature & disturbance of minde.

So you see, that the practise of many nations haue beene contrary to your conceipt: and that the interpreters



interpreters of the ciuill and canon lawe ( good arbitratours of naturall equitie ) either beare against you, or stand for you onely when disability is naturall: adding further, that if the excluded successor hath a sonne, before or after succession doth fall, free from any such defect, the right of the kingdom descendeth vnto him. This affirmeth *Baldus*<sup>9</sup>, *Sacinus*<sup>r</sup>, *Cardinall Alexander*<sup>r</sup>, and before them, *Andreas Iserna*. Because the inhabilitie of parents doth not preiudice the children, especially in regard of their naturall rightes: neither is it any impediment wherefore they should not enioy either priuledge or dignitie from the person of their grandfather. *Magis est* (saith *Vlpian*<sup>\*</sup>) *ut aui potius dignitas proficiat quam obui casus patris*. It is fitter that the son should receiue profit by the dignitie of his grandfather, then preiudice by his fathers chaunce.

And this (we may thinke) is a reasonable respect, wherefore other interpreters haue not allowed their principall opinion, in repelling him who is disabled by birth. For if another be once possessed of his place, it will be hard for any of his children to attaine their right: Wherevpon disunion, factions, warres may easily arise. It is inconuenient (I grant) to be gouerned by a king, who is defective in body or in minde: but it is a greater inconuenience, by making a breache in this high point of state, to open an entrance for all disorders, wherein ambition and insolencie may range at large. For as mischief is of that nature that it cannot stand, but by supпортаunce of another euill, and so multiplieth in it selfe, till it come to the highest, and then

<sup>9</sup> Conf. 39. lib. 2.<sup>r</sup> Conf. 47. lib. 3.<sup>r</sup> In c. 1. tit. an. mutus vel imperfectus.<sup>r</sup> In c. vlt. tit. Epif. vel ab.<sup>a</sup> l. 1. D. de interdic. & rel. l. 2.

C. de libert. &amp; cor. lib. l. diui fratres. D. de iur. patr. l. queritur.

D. de bo. lib. p. a. nor. cons. 85. lib.

1. Io. Annd. in c. significasti de fo. comp.

<sup>\*</sup> In l. vii. in fi. de senat.

then doth ruine with the proper weight: so mindes once exceeding the boundes of obediēce, cease not to strengthen one bouldnesse by another, vntil they haue inuolued the whole state in confusio. We find that *Gabriel* the yongest brother of the house of *Saluse* kept his eldest brother in close prisō, vsurped his estate, and gaue forth for satisfaction to the people, that hee was mad. I could report many like exam-  
ples: but I shal haue occasion to speake more here-  
of in the further passage betwixt vs.

*After this you conclude three points.*

1 That inclination to liue in companie is of nature.

2 That gouernement and iurisdiction of magistrates is also of nature.

3 That no one particulare forme of gouernement is naturall; for then it should be the same in all countries, seeing God and nature is one to all.

But before I ioine with you, either in contradiction or consent, it shall not be amisse to declare briefly, what we vnderstand by the lawe of nature, and by what meanes it may best be knowne.

God in the creation of man, imprinted certaine rules within his soule, to direct him in all the actions of his life: which rules, because we tooke them when wee tooke our beeing, are commonly called the primarie lawe of Nature: of which sort the canons<sup>2</sup> accompt these precepts following. *To worship god: to obey parents and gouernours, & thereby to conserue common society: lawfull coniunction of man & woman: suc-*  
cession

<sup>2</sup> e. ius naturale.  
dist. 3

cession of children: education of children: acquisition of things which pertaine to no man: equall libertie of all: to communicate commodities: to repell force: to hurt no man: and generally, to do to another as he would be done unto: which is the sum and substance of the second table of the decalogue. And this lawe *Thom. Aquine* affirmeth to be much deprauid by the fall of man; <sup>7 1.2.q.94.d.2.</sup> and afterwards more, by error, euill custome, pertinacie, and other corrupters of the mind: and yet doth it yeeld vs so large light, that *Saint Paule* did esteeme it sufficient to condemne the gentiles, who had no other law written. <sup>rom.cap.1.8.3.</sup>

Out of these precepts are formed certaine customes, generally obserued in all parts of the world: which, because they were not from the beginning, but brought in afterward, some as a consequence or collection, others as a practise or execution of the first naturall precepts, are called the secondarie lawe of nature, and by many also the law of nations.

*Gaius*,<sup>c</sup> saith: that which naturall reason doth constitute among all men, is obserued by all alike, and termed the lawe of Nations: and the same is called by *Iustinian* <sup>a</sup> the lawe of nature. *Cicero* likewise saith: the consent of all nations is to be esteemed the lawe of nature.

But this is to be take, not as though all nations haue at any time obserued one vsage alike: it is not necessary saith *Baldus*<sup>c</sup>, that the word all should cary so large a sence: neither hath it euer bin brought into knowledge what customes all nations haue held in vse. And it is most certain, that ther is not one point or precept of the law of nature, but, by reas<sup>n</sup>, partly of the weaknes, partly of the corruption, which the fall of Adam

<sup>a</sup> quod naturalis ratio inter omnes homines constituit, id apud omnes perque custodiuntur vocaturque ius gentium. *Lex D. de iust. & iur.*  
<sup>b</sup> in re consensio omnium gentium, lex naturae putanda est. *1. Tusc.*  
<sup>c</sup> in l. 1. C. de testam.

fasten in his posteritie, some people haue at all times, either neglected or els depraued: some being so dull as they could not perceiue, others so malicious as they would denie, that which nature did lay before them. Yea, such is either the weakenesse or wilfulnesse of our iudgement, that they who are not onely admitted but admired for wise men, doe many times disagree in determining what is most agreeable to nature: much lesse may we either expect or imagine, that al natiōs, so differēt, so distāt, neuer so much as now, and yet not now fully discovered, should iūpe in one iudgemēt for vniiform obseruatiō of any custome: neither is that no natural-right, as *Zenophon*<sup>d</sup> noteth, which many dayly doe transgresse.

<sup>d</sup> 4. Socrat.

<sup>e</sup> In eom. iu. 6.

<sup>f</sup> Ad cphes. 4.

<sup>g</sup> Tit.

And therefore *Donellus*<sup>e</sup> did vniustly reiect the description which *Gaius* gaue of the law of nations, by taking the word *al* in the amplest sence. *S. Ambrose*<sup>f</sup> and *S. Hierome*<sup>g</sup> did in this sort declare it; that we are to take that for a decree of natiōs, which successiue-ly and at times hath beene obserued by all. But as for any one time, as it is to be iudged the decree or custome of a whole citty, which hath passed by consent of the most patt, although al haue not allowed, and some perhaps haue opposed against it<sup>h</sup>; so is it to be esteemed the lawe of nations, the common lawe of the whole world, which most nations in the world are found to imbrace.

<sup>h</sup> c. 1. de decret.  
ab ord. fac. l. 32.  
de legi.

And because gouernment was not from the beginning, but induced as a consequence of the primary precept of nature; to maintaine humane societie: therefore whensoever wee speake of naturall gouernment, we are intended to meane the secondary lawe

lawe of nature, which is the receiued custōe, successiue of al, & alwaies of most nations in the world,

Out of this we may gather, that three rules doe chiefly lead vs to the knowledg of this law. The first is that which *Cicero*<sup>i</sup> in the like case giueth: *to appeale vnto sēce*: because there is no man but by the light of nature, hath some sence of that which nature doth allowe. *S. Augustine*<sup>k</sup> saith, *I know not by what inward conscience we feele these things*: and likewise *Tertullian*<sup>l</sup>: *Nature hath tainted all euill eyther with feare or with shame*. Wherto agreeth that which *S. Ambrose*<sup>m</sup> saith: *although they deny it, they cannot but shew some tokens of shame*. Herupō the authors of the ciuill law<sup>n</sup> do reiect that for vniust, which is not demaunded without shew of shame. For, as *Cassiodorus*<sup>o</sup> writeth; *God hath giue all men such a sence of iustice, that they who know not the lawes, cannot but acknowledge the reason of truth*.

<sup>i</sup> ad Q. fratrem. prouocandū ad sensus.  
<sup>k</sup> interiori nescio qua conscientia ita se sentinus. de vit. cred.  
<sup>l</sup> omne in alium aut timore aut pudore natura perfudit. in apol.  
<sup>m</sup> lice: possint negare, non possunt tamen non erubescere. re. 3. de offic. 14.  
<sup>n</sup> l. 3. si auro. D. de viar. l. 8. D. quib. mo. pi. fol. 1. 15. de cond. l. 14. D. de nup. 7. var. 16.

But because this light of nature, in many men is exceeding dimme; the next rule is to obserue what hath bin allowed by those who are of greatest both wisdome and integrity, in whom nature doth shew her selfe most cleere. For as *Aristotle* saith; *that is probable which prooued men do approue*. Among these, the first place pertaineth vnto them, who by inspiration of god, haue compiled the books of holy scripture: to whom as attendants we may adioyne the anciēt counsailes & fathers of the church. The next place is to be giue to the authors of the ciuill lawe; whose iudgement hath bin these many hundred yeers, admired by many, approoued by all, and is at this daie accepted for lawe, almost in all states of the christiā

§ topic. prin.

common wealth. To these also we may adioyne, as attendants, their interpreters of most approued note. The third place is due to Philosophers, historiographers, orators and the like; who haue not vnprofitably endeaouered to free nature of two cloudes, wherewith shee is often ouercast: grosse ignorance, and subtile error.

¶ 5. consil. 38.

¶ ipsius vocem  
naturæ. de natur.  
deor.

¶ 15. prob. 3.

¶ 8. de legib.

¶ 4. consil. 496.

But because naturall reason, as *Alciator* affirmeth, doth sometimes varie, according to the capacite of particulare men; euen as the sunne, beeing in it selfe alwaies the same, giueth neither heate nor light to all alike: the third rule followeth, to obserue the common vse of all nations, which *Cicero* calleth; *the voice of nature*: because as *Aristotle* hath writ ten, *it is not done by chance which euery where is done*. *Plato* saith, *this shall be the prooffe hereof, that no man doth otherwise speake*: and likewise *Baldus*, *I dare not disallow that which the world alloweth*. And in this cōmon lawe or custome of the world, three circumstances are to be considered: antiquitie, continuance, and generalitie.

¶ 1. polir.

¶ sine imperio  
nec domus villa,  
nec ciuitas, nec  
gen., nec homi-  
nem vniuersum  
genus stare, nec  
reum natura  
omnis nec  
iple denique  
mundus potest. 1.  
de legib.

Now then your first position is so cleetelic true, that you doe but guild gould in labouring to prooue it: for *man* is not onely sociable by nature, but (as *Aristotle* affirmeth) *more sociable* then any other liuing creature. These notorious pointes, the more we prooue, the more we obscure.

Your second is also true, for as *Tullie* saith<sup>x</sup> *Without empire, neither house, nor city, nor nation, nor mankinde can stand, nor the nature of all things, nor in a word, the world it selfe*. Whereto agreeeth  
that





their countrie commodities, which serued onelie to discharge his host. And if this your reason should bee of force then were not sociabilitie naturall, because many men haue made choise to liue alone.

But how the, wil you say, is nature immutable? It is in *abstracto*, but it is not in *subiecto*. Or thus: In it selfe it is not chāged: in vs, by reasō of our imperfectiōs, it is. Or els more plainely, it is not changed, but it is trāsgressed. But nature, you say, is alike to al. Not so, good sir: because all are not apt alike to receiue her: euen as the sun beames doe not reflect alike vpon a cleane and cleare glasse, and vpon a glasse that is either filthy or course: And in many, not onely men, but nations, euill custome hath driuen nature out of place, and setteth vp it selfe in steade of nature<sup>z</sup>.

<sup>z</sup> I. si quis post.  
humos. D. de lib.  
et posth.

Your third conclusion, that no particulare forme of gouernement is naturall, doth not finde so easie acceptaunce. Your onely prooffe is, that if it were otherwise, there should be one forme of gouernement in all nations; because god and nature is one to all. But this reason I haue encountred before: and yet you take paines to puffle it vp with many waste words; howe the Romanes changed gouernment; how in Italie there is, a pope, a king and many dukes; how *Millaine*, *Burgundie*, *Lorraine*, *Barvier*, *Gascoine*, and *Britaine* the lesse were changed from kingdomes to dukedomes; howe *Germanie* was once vnder one king, and is now deuided among dukes, earles, and other supreme princes; How *Castile*, *Aragone*, *Portugall*, *Barcelona* and other countries



countreies in Spaine, were first Earldomes, then Dukedomes, then seuerall Kingdomes, and now are vnited into one; how *Boeme* and *Polonia* were once Dukedomes, and now are Kingdomes; how *Fraunce* was first one kingdome, then diuided into fower, and lastly reduced into one. How *England* was first a Monarchie, vnder the *Britaines*, then a Prouince vnder the *Romaines*, after that diuided into seauen Kingdomes, and lastly reduced into one; how the people of *Israell* were first vnder Patriarkes, *Abraham*, *Isaac*, and *Iacob*, then vnder Captains, then vnder Iudges, the vnder high Priests, then vnder Kings, and then vnder Captaines and high Priests againe.

I will not followe you in euery by way whereinto your errors doe leade (for who would haue aduentured to affirme, that the childre of *Israell* were vnder *Abraham* and *Isaac*; and that the *Britaines* at the first were vnder one King, whereas *Cesar* reporteth that hee found fower kings in that country which is now called *Kent*); but I will onely insist vpon the principall point; in regard whereof, all this bundell of wordes is like a blowne bladder, full of winde, but of no weight.

For first you doe but trifle vpon tearmes, in putting a difference betweene Kings, Dukes, and Earles, which holde their state with soueraigne power. Wee speake not of the names, but of the gouernement of Princes. Supreme rulers may differ in name; they may change name also, either by long vse, or vpon occasion: and yet in gouernment neither differ nor change,

Secondly, it is a more vaine ieast to put a difference (in this regarde) beweeene a great territorie and a small. If a kingdome bee enlarged or streightned in limites, the gouernment is not thereby changed: if many kingdomes bee vnited into one; if one bee diuided into many; the nature of gouernment is no more altered, then is the tenure of lande, either when partition is made, or when many partes accrewe into one. The knot of doubt is, whether it bee not naturall, that one state, bee it great or small, should rather bee commaunded by one person, howsoeuer intituled, then by many.

And if wee descende into true discourse, wee shall finde, that the verie sinewes of gouernment doe consist, in commaunding and in obeying. But obedience can not bee performed, where the commaundementes are, eyther repugnant or vncertaine: neither can these inconueniences bee any waies auoided, but by vnion of the authoritie which doth commaunde.

This vnion is of two sortes; first, when one commaundeth; secondly, when many doe knit in one power and will. The first vnion is naturall; the seconde is by meane of amitie, which is the onely bande of this collectiue bodie: and the moe they are who ioyne in gouernment, the lesse naturall is their vnion, and the more subiect to dissipation. For as Tacitus saith<sup>c</sup>, *equalitie and amitie are scarce compatible.*

Naturall

<sup>c</sup>, Arduum semper  
per eodem loci  
potentiam & concordiam esse.  
annal.

Naturall reason teacheth vs, that all multitude beginneth from one, and the auncient Philosophers haue helde, that from vnitie all thinges doe proceede, and are againe resolu'd into the same. Of which opinion *Laertius*<sup>a</sup> reporteth that *Museus* of *Athens* was authour, who liued long before *Homer*: but afterwarde it was renewed by *Pythagoras*, as *Plutarch*<sup>b</sup>, *Alexander*<sup>c</sup>, and *Laertius*<sup>d</sup> doe write: who added thereunto, that vnitie is the originall of good, and dualitie of euill: And of this opinion *Saint Hierome*<sup>e</sup> was also, whose sentence is repeated in the canonicall decrees<sup>f</sup>, but vnder the title and name of *Saint Ambrose*. Hereupon *Homer* doth oftentimes call good *uia*, and applyeth the terme *uia*, to affliction and trouble. Hereupon *Galen*<sup>g</sup> also writeth, that the best in euerye kinde is one. *Plato* produceth all thinges from one<sup>h</sup>, measureth all thinges by one<sup>i</sup>; and reduceth all thinges into one<sup>k</sup>.

<sup>a</sup> In principio lib. d. de vitis sententiisque Philosophorum.  
<sup>b</sup> Lib. de dogmatibus Philosophorum.

<sup>c</sup> In successione Philosophorum.

<sup>d</sup> Lib. 8. de vitis & sententiis Philosophorum.

<sup>e</sup> Lib. 1. contra Iovinianum.  
<sup>f</sup> c. nuptiarum. 12. di. 1.

<sup>g</sup> Lib. 6. de sanitate.

<sup>h</sup> In Timæo.

<sup>i</sup> In Philebo.

<sup>k</sup> In Epinomide.

The whole worlde is nothinge but a greate state; a state is no other then a greate familie; and a familie no other then a greate bodye. As one GOD ruleth the worlde, one maister the familie, as all the members of one bodye receiue both sence and motion from one heade, which is the seate and tower both of the vnderstanding and of the will: so it seemeth no lesse naturall, that one state should be gouerned by one commaunder.



god: *Homer* affirmeth,<sup>1</sup> that they are cherished by god. Your selfe doe shew<sup>2</sup> out of *Aristotle*, *Seneca*, *Plutarch*, *S. Hierome*, *S. Chrysostome* and *S. Peter*, that monarchie is the most excellent and perfect gouernement, most resembling the gouernement of god, and most agreeable vnto nature. But what doe you meane to acknowledge all this, and yet to denie that monarchie is naturall? doe you take it to be aboute nature? or how els is it most excellent and perfect? how is it most agreeable to nature, and yet not naturall? can any action be most agreeable to iustice, and yet not iust? I know not by what stragemme, or cunning cranck of the schools, you can be made agreeable to your selfe.

But now if we consider the generall custome of al people, we shall find that all the ancient nations in whom the laws of nature were least corrupt, had no other gouernment as the *Assyrians*, *Medes*, *Persians*, *Parthians*, *Indians*, *Seythians*, *Sirians*, *Phenicians*, *Arabians*, *Aegyptians*, *Africans*, *Numidiā*, *Mauritanians*, *Briars*, *Celtes*, *Gauls*, *Latines*, *Hetruscans*, *Sicilians*, *Albenians*, *Lacedemonians*, *Corinthians*, *Achaans*, *Sicyonians*, *Candians*, & in one word, all. *Tullie* saith: it is certaine, that al ancient nations were vnder kings: with which opinion *Sallust* consenteth: & *Iustine* also, where he saith, the empire of nations at the first was in the hands of kings. And when the people of *Israel* desired a king, they alleged that al other nations were gouerned by kings. The *Athenians* were the first (as *Plinie* affirmeth) who set vp the gouernment of many, whose exāple certaine other towns of *Greece* did follow, rather blinded by abitiō, the led by iudgemēt. Among these, if the high-

<sup>1</sup> & utriusque  
genus.  
<sup>2</sup> In cap. 2.

<sup>1</sup> certū est omnium  
antiquas gentes  
regibus paruisse.  
<sup>2</sup> de legib.  
<sup>3</sup> in Catilin.  
<sup>4</sup> principio rerū  
gentium nationū  
omniumque imperiū  
per nos reges  
erat. lib. 1.  
<sup>5</sup> 1. reg. 8. 5.

\* in ca. 3.

est authority were in the least part of the citisens, it was called *aristocracy*; if in the most or in all, it was termed *democracy*; wherein you confesse<sup>2</sup> that neither they did nor could any long time continue; but after many tumults, seditions, mutinies, outrages, iniustices, banding of factions, and inundations of blood, they were in the end either dissolued or vanquished, and reduced againe vnder gouernement of one.

The state of Rome began vnder kings; it attained the highest pitch both of glory and greates vnder emperors: in the middle time, wherein it neuer inioyed x<sup>y</sup>ceres together free frō sedition, *Polybius* saith that it was mixed; the consulls representing a monarchie; the senate, an *aristocracie*; & the cōmon people a *democracy*; which opinion was likewise embraced by *Dionysius Halicarnassens*, *Cicero*, *Cassiodorus* and others. But many do hold, that the state of Rome at that time was popular: which seemeth to be confirmed by the famous lawier & counsailler *Ulpian*, where he saith, that the people did grāt al their power & authority to the prince. Whatloeuer it was in shew, in very deepe it was alwayes gouerned by some one principall man. *Linie* wrighteth of *Scipio*, that vnder his shadow the cley was protected, & that his looks were in stead of lawes; & likewise of *Papirius cursor*; that he sustained the Romane affaires. So said *Thucydides*, that *Athens* was in appearance popular, but *Aristides* was the true monarch thereof; & *Plutarch* also affirmeth, that *Pelopidas* and *Epaminondas* were no lesse then lords of the popular state of *Thebes*; but after the death of these mē, both the states of *Athens* and *Thebes* floated in tumults, as the same author obserueth<sup>b</sup>, like a ship in a tempest without a pilote

⁊ vtpote eum lege regia quæ de imperio eius lata est, populus ei & in eum omne suum imperium & potestatem conferat. l. i. d. de constit. princ.  
⁊ sub umbra eius urbem terrarum dominam latere, eius nutus pro decretis patrum, pro iussis populi esse. lib. 30.  
⁊ nemo erat quo magis innixa res romana, quā in Papirio cursore erat. lib. 9.  
⁊ in pelopid.

⁊ in pericle,



pilot. So did *Peter Soderine Gonfalonier* of *Florence* giue forth, that the title of popularity was vsed as a maske, to shadow the tyrāny of *Laurence Medices*: but *Florence* did neuer so flourish both in honor, wealth, and quiet, as vnder that tyranny. Also in actions of weight, in great dangers and necessities the Romans had recourse to one absolute and supreme commander, which *Linie* calleth<sup>e</sup> the highest refuge; whose authority as the Romans did most reuerēdy respect, so was it many times fearefull to their enemies. Of the first, *Linie* saith<sup>a</sup>; the Dictators edict was alwayes obserued as an oracle: of the second<sup>e</sup>, so soone as a dictator was created, such a terror came vpon the enemies, that they departed presently from the wiles. Likewise in cases of extremity the *Lacedamonians* had their high gouernour whom they called *Harmistes*; the *Thessalonians* had their *Archos*; and the *Mytilenians* also their great *Aezymnetes*. Lastly, *Tacitus* reporteth<sup>b</sup> that certaine wise men discoursing of the life of *Augustus* after his death, affirmed rightly, that ther was no other meane to appease the discordes of the state, but by reducing it vnder the gouernement of one.

Let vs now take a view of our present age. In al *Asia*, from whence *Tullie* saith, sciuitly did first spread in to other parts of the world, no gouernment is in vse but by a monarch, as appeareth by the *Tartarians*, *Turks*, *Persians*, *Indians*, *Chinans* & *Cyprians*: no other gouernmēt is found to be fouled in al the cuntries of *Affrick*: in *America* also and all the west parts of the world, no other is yet discouered: in *Europe* only, vpo eyther declining or chāg of the empire, a few towns in *Germany* & *Italy* did reuiue againe the gouernment of many: som are alredy returned to a mo-

<sup>a</sup> trepidi patres ad summum auxilium decurrunt. Dictatorem dici placuit. lib. 6.

<sup>b</sup> Dictatoris edictum pro numine semper obseruatum. lib. 6.

<sup>c</sup> tantus erat dictatoris terror apud hostes, vt creato statim a manibus discesserint. lib. 6.

<sup>d</sup> vt recte prudentes quidam de vita Augusti post mortem eius inter se conferentes, dixerunt, non aliud discordantis patrie remedium fuisse, quam si ab vno regeretur. ann. 1.

<sup>e</sup> in epist. 1. ad Q. Fratem.

and the residue in their time will do the like, even as all others haue done which haue bene before them.

is in apolog.

What then shal we say of this so ancient, so continuall, so generall consent of all nations? what can we say, but cōclude with *Tertullian*<sup>b</sup>. *these testimonies, the more true, the more simple; the more simple, the more common; the more common, the more naturall; the more naturall, the more deuine.*

But because ambition is a most firy affection, and carieth men blindfold into headlong hopes, wherby many do aspire to beare rule, neither they good, nor with any good either means or end; the custome or lawe of nations hath by two reines endeaoured to keep in this raging desire: by succession & by election. And yet againe, because election is most often, if not alwaies, entangled with many inconueniences; as first, for that the outragies during the vacancy, are many & great; euery one that is either grieued or in wāt, assuming free power both for reuēge & spoile. Secondly, for that the bouldest winneth the garlād more often then the best; because the fauour of the people doth alwayes tast more of affection then of iudgement. Thirdly, for that they who do not leaue their state to their posterity, wil dissipate the domain and worke out of it either profit or friends; for so we see that the empire of *Germanie* is pluckt bare of her fairest feathers. Fourthly, for that occasions of war are hereby ministred; & that, either whē one taketh his repulse for indignity; vpō which ground *Fraunce* is the first, king of *Fraūce*, could neuer be driuē out of practise against *Charles* the 5. emperor; or els whē by means of factions many are elected, as it happened



in *Almaine* when *Lewes* of *Bauier*, and *Albert* of *Austria* were elected Emperors, wherupon eight yeers warre betweene them did ensue; and as it often happened in the Empire of *Rome*, when one Emperour was chosen by the Senate, and another by the Soldiers, and sometimes by euery legion one; whereby such fiers were kindled, as could not bee quenched without much bloude. For these warres are most cruelly executed; because the quarrell leaueth no middle state *inter summum & precipitium*; betweene the highest honour and the deadliest downefall.

For these and diuers other respects, it hath bin obserued, at most times in all nations, and at all times in most, that the roialtie hath passed by succession, according to propinquitie of bloud. We read that *Ptolomie*, who after the death of *Alexander* the great seized vpon *Aegypt*, and part also of *Arabia* and of *Africk*, left that state to his youngest sonne: but *Trogus* saide, and out of him *Iustine*<sup>1</sup>, <sup>1 Lib. 16.</sup> that it was against the lawe of Nations, and that vpon this occasion one of them did worke the death of the other. And therefore when afterward *Ptolomie* surnamed *Physcon*, at the importunitie of his wife *Cleopatra*, would haue preferred his youngest son to the succession of his kingdom, *Iustine* saith<sup>2</sup>, <sup>2 Lib. 39.</sup> that the people opposed themselues against it; but *Pausanias*<sup>1</sup> more probably affirmeth, that they reuer-<sup>1 Lib. 1.</sup> sed his order after his death.

The same course was held in *Italy* by the *Hetruscans*, *Latines*, and those *Albanes* from whome the *Romanes* tooke their originall. *Linie*<sup>m</sup> writeth that *Procas* king<sup>1</sup> <sup>1 Lib. 1.</sup>

of the *Albani*: appointed *Numitor* to succcede in his estate, but *Amulius* his yonger brother did vsurpe it by force: hereupon *Dionysius Halicarnassens* <sup>a</sup> saith; that *Amulius* held the kingdome against right, because it appertained to his elder brother.

Among the *Gracians*, during the space of six hundred yeares, wherein they were gouerned by kings, we finde but *Timondas* and *Pittacus* who were elected, the one of *Corinth*, the other of *Negropans*; the residue held their states by order of successiō, as *Thucydides* affirmeth, encōurring therein the opinion of *Aristotle*. *Liuy* writeth<sup>o</sup>, that *Perseus* king of *Macedon* said, that by the order of Nature, the law of Nations, and the ancient custome of *Macedony*, the eldest sonne was to succcede in the kingdome. *Diodorus Siculus* <sup>p</sup>, and *Isidore* <sup>q</sup> doe report, that by this custome *Alexander* succceeded his father *Amyntas*, before his yonger brother *Phillippe*.

*Herodotus* <sup>r</sup> declareth that the same order was obserued amōg the *Troianes*; affirming, that after the death of *Priamus*, the kingdom was not to deuolue vnto *Alexander*, because *Hector* was before him in years. The same also doth appeare by that which *Virgil* writeth

<sup>t</sup> *Aeneid*. 1.

<sup>t</sup> *Præterea Sceptrum Ilione, quod gesserat olim,  
Maxima natarum Priami.*

*The Scepter vvbich Ilione, vvbē she the state did stay,*

*The first daughter of Priamus, vvbith royall hand did sway.*

Out of which place *Seruius Manrus* doth collect, that women also did vse to gouerne. But more plainly this custome of the *Troianes* doth appeare, by that which *Messala Corninus* <sup>v</sup> writeth, that *Troius* had two sonnes, *Ilus* and *Affaracus*; and that *Ilus* by priuiledge of his age succceeded in the kingdome.

The

<sup>a</sup> *Lib*. 1.

<sup>p</sup> *Belli macedonici*. lib. 10.

<sup>p</sup> *Lib*. 16.  
<sup>q</sup> *Lib*. 7.

<sup>r</sup> *In Euerpe*.

<sup>v</sup> *Lib* ad octau. August.

The *Persians* also, who for a long time held the reines of all the nations neere vnto them, had the same order of succession, as *Zenophon* <sup>a</sup> witnesseth; <sup>a</sup> In *Cyropæd.* which is also confirmed by two famous histories; one between *Artaxerxes* & *Cyrus*, wherof *Plutarch* <sup>x</sup> <sup>x</sup> In *Artaxerxe.* maketh mention, the other between *Artabazanes* & *Xerxes*, reported by *Herodotus* & *Iustine* <sup>7</sup> <sup>7</sup> In *polyhymnia* <sup>Lib. 3.</sup> wherein *Artabazanes* alleaged, that it was a custome among all men, that the eldest son should first succeed. *Agathocles*, & out of him *Athenæus* do write, that the *Persians* had a golden water (for so they terme it) whereof it was capital for any man to drinke, but only the king and his eldest son. Whither this water were drawn out of the riuer *Euleus*, which inuironeth the tower *Sufis*, & the Temple of *Diana*, wherof *Pliny* <sup>a</sup> writeth, <sup>a</sup> Lib. 5. ca. 28. that only the kings of *Persia* did drinke; or whether out of *Choaspis*, whose waters *Herodotus* doth report to haue bin boiled, & caried after the king in siluer vessels; or whether both these were one riuer, I will neither determine nor discourse.

In *Siria*, which is called *Assiria* (as *Herodotus* <sup>c</sup>, wri- <sup>c</sup> Lib. 7. teth) & also *Phœnicia*, *Palestina*, & *Mesopotamia*, as appeareth by *Pliny* <sup>b</sup>, *Eusebius* <sup>c</sup> & diuers other, the same <sup>b</sup> Lib. 5. ca. 12. <sup>c</sup> De preparat. <sup>d</sup> euang. lib. 10. custome is proued by that which *Iustine* <sup>d</sup>, & *L. Florus* <sup>e</sup> doe write, that *Demetrius*, hauing bin deliuered by <sup>e</sup> lib. 34. <sup>f</sup> Lib. 46. his brother *Antiochus*, king of *Siria*, for an hostage to the *Romanes*, & hearing of the death of *Antiochus*, declared to the senat in open assëbly, that as by the law of nations he had giuen place to his elder brother, so by the same law, the right of succession was then cast vpon him. The *Parthians*, who being thrice attempted by the *Romans*, in the time of their chiefeft both

discipline and strength, were able to beare themselves victorious, did alwaies acknowledge for their king, the next of the bloud of their first king *Araces*. Among the *Germanes* also, who were of force to defeat five consularie armies of the *Romanes*, *Tacitus* affirmeth that the eldest sonne did intirely succede, onely the horses did fall to the most valiant. And that this was likewise the custome of the *Jewes*, it is euident by the whole history of their kings, especially where it is said, that *Ioram* succeeded *Iosaphat*; & the reason added, *because he was the eldest*.

I should but burne day (as the saying is) in running further vpon particulars. *Herodotus* doth aduow it to be a general custome among al men, that the first in birth is next in succession. Certaine ages after him *S. Hierome* said, that a kingdom is due vnto the eldest. In late ages our selues may see, that the *Tatars*, *Turks*, *Persians*, & all the *Asiaticks* haue no other form of constituting their kings. No other is folowed in all the countries of *Africk*. In the west *Indies* no other is yet discovered; In so much as when *Frances Pizarre*, in the conquest of *Peru*, had slain *Atibalippa* the king therof, the people brake into shew, some of ioy, all of contentment; because he had made his way to the kingdom, by murdering of his elder brother. In *Europe* it is not long since all the Monarchies were successiue. When the Empire of *Almaine* was made electiue, it became in short time so either trouble some or base, that diuers Princes refused to accept it: of late it hath bin setled in one family, but hath as yet little increased either in dignity or in power. The people of *Denmarke*, *Sweden*, *Hungary*, and *Boeme*, doe challenge

\* Iustin. lib. 24. & 41.

† De morib. Ger.

‡ 2. Chron. ca. 21.

§ In polyhymnia.

¶ In epist. ad onagrium, & in gen. 49.

challenge to themselves a right of election, but they accept their king by propinquitie of blood. So they did in Polonia, vntill the line of *Iagello* was worn out, and then they elected for king, *Henry* duke of *Anjou* in France: since which time, they haue alwaies in the change of their kings, exposed their state to faire danger of ruine.

Vpon this both generall and continuall custome *Baldus* saith, that kingdomes are successiue by the law of nations; affirming further, 'that alwayes it hath beene, & alwayes it shall bee, that the first borne succeedeth in a kingdome: wherein he is either followed or accompanied with open crie of al the choise interpreters of both lawes; as namely the Glossographer, *Iohan. Andreas, Hostiensis, Collect. Pet. Anchoranus, Antonius, Imola, Card. Florentinus, Abb. Panormitanus, Oldradus, Albericus, Angelus, Felinus, Paul. Castrensis, Alexander, Barbatius, Franc. Curtius, Guido Pape, Card. Alexander, Philip. Francus, Iason, Philippus Decius, Carol. Rminus, Anto. Corsetta, Ripa, Calderine, Alciate*, and manie other of somewhat more ordinarie name. Who all with full voice do agree, that in kingdomes and other dignities, which cannot bee either valued or diuided but they are dismembred, the eldest son doth entirely succeed. And this manie of them do call the law of all Nations, deriued from the order of nature, and from the institution of God; and confirmed by the Canon, ciuil and other positue lawes.

For the succession of children, is one of the primarie precepts of nature: whereby his mortalitie is in some sort repaired, & his continuance perpetua-

<sup>a</sup> Conf. 275. vol. 2.

<sup>l</sup> L. Ex hoc iure D. de iust. & iura. semper fuit, & semper erit, &c.

<sup>m</sup> in c. Licet. de voto.

<sup>n</sup> Conf. 94. &

274.

<sup>o</sup> in procem. D. 5. Discipuli.

<sup>p</sup> Conf. 287.

<sup>q</sup> in c. Prudentia de offi. de leg.

<sup>r</sup> in l. maximum.

<sup>s</sup> C. de lib. prater.

<sup>t</sup> Conf. 179 li. 1.

<sup>u</sup> Conf. 55. lib. 5.

<sup>v</sup> Conf. 2.

<sup>w</sup> Conf. 67.

<sup>x</sup> Deci. 476. &

con. 60.

<sup>y</sup> in c. 1. tit. de

his qui feud.

da. poss. & in c.

Qualiter. tit. Si

de sen. fucont.

inter do.

<sup>z</sup> in rub. de test.

lib. 6. & in c.

grandi. de sup.

neque prel.

<sup>a</sup> in l. 1. D. de

const. prin. & in l.

ncmo. de leg. 1.

<sup>b</sup> Conf. 225. &

289.

<sup>c</sup> Conf. 24. lib. 1.

<sup>d</sup> Traet. de pos. &

cacel. regia q. 9.

<sup>e</sup> in l. quart. ad l.

Falsid.

<sup>f</sup> Conf. 9. tit. de

feud.

<sup>g</sup> in l. Obuenire.

D. de verb. sig.

<sup>h</sup> c. ius natural.

dist. 1.

<sup>1</sup> Zach. 12. 10.

<sup>2</sup> 1. Reg. 17. 21.

<sup>3</sup> In Exod. cap. 11.

<sup>4</sup> in ferm. de sep-  
tem plagis.

<sup>5</sup> in Gen. hom. 31.

<sup>6</sup> Vbi s.

<sup>7</sup> De h. sto. ani-

mal. lib. 6. cap. 18.

<sup>8</sup> Lib. 11. cap. 40.

<sup>9</sup> De motu ani-

mal. lib. 3. & lib.

15. cap. 13.

<sup>10</sup> Hist. chilia.

cap. 136.

<sup>11</sup> in Arato,

<sup>12</sup> *μετὰ τὴν*  
*ἡλικίαν*. in dia-  
logo *ἀπὸ* παρ-  
*οῦ*.

<sup>13</sup> *μετὰ τὴν* ἡλικίαν  
*ἡλικίαν* ὅτι μὲν  
507.

<sup>14</sup> Lib. 2. de Cain  
& Abel. cap. 2.

<sup>15</sup> Exod. 4.

ted by his posteritie. But among al the children, na-  
ture seemeth to preferre the first borne, by imprin-  
ting in the mind of parents the greatest loue and in-  
clination towards them, as diuers of the authors be-  
fore alleaged do affirm; & as it may appeare by that  
of the prophet *Zacharie*; *And they shall lament ouer him*  
*as men vse to lament in the death of their first borne*:  
and likewise by that which is said of *Dauid*<sup>1</sup>, that he  
would not grieue his sonne *Ammon*, for that he lo-  
ued him, because *he was his first borne*. Hereupon  
*Lyra*<sup>2</sup>; and before him Saint *Augustin*<sup>3</sup> and Saint  
*Chrysostome*<sup>4</sup> do affirme that the last plague of the  
Egyptians, which was the death of their first borne,  
was the most sharpe and heauie vnto them. For no-  
thing (saith Saint *Augustin*<sup>5</sup>) is more deare then the  
first borne. *Aristotle*<sup>6</sup>, *Plinie*<sup>7</sup>, *Aeliane*<sup>8</sup>, and *Tzet-  
zes*<sup>9</sup> do write, that the same affection is also found  
in certaine beasts.

And to this purpose is that which *Herodotus*<sup>10</sup> re-  
porteth, that when the Lacedæmanians had recei-  
ued an oracle, that they should take for kings the two  
sonnes of *Aristodemus* and *Aegina*, but giue most  
honor vnto the eldest, and they were ignorant which  
was eldest, because the mother and the Nurse refu-  
sed to declare it; they obserued which of the chil-  
dren the mother did wash and feed first, and thereby  
found out that *Eristhenes* was the eldest. *Lucian*<sup>11</sup> ci-  
teth the loue of the first borne, as growne into a pro-  
uerbe. *Gregorie Nazianzene* saith<sup>12</sup>, that all men haue  
a sense thereof. Saint *Ambrose*<sup>13</sup> writeth, that in  
this respect God called the people of Israel his first  
borne<sup>14</sup>, for that they were, not most ancient, but best  
beloued



beloued. Lastly *S. Chrysostome*<sup>a</sup> affirmeth that the first borne were to be esteemed more honorable then the rest.

And this naturall precedence both in honour and in fauour, seemeth to be expressely ratified by God; first where he said vnto *Cain*, of his brother *Abel*<sup>b</sup>, *His desires shall be subiect vnto thee, and thou shalt haue dominion ouer him*: according to which institution, whē *Jacob* had bought his brothers right of birth, *Isaac* blessed him in these words<sup>c</sup>, *Bee Lord ouer thy brethren, and let the sonnes of thy mother bow before thee*: Secondly, where he forbiddeth the father to disinherit the first sonne of his double portion; because by right of birth it is his due<sup>d</sup>: Thirdly, where he maketh choise of the first borne to be sanctified to himselfe<sup>e</sup>. And whereas God hath often preferred the youngest, as *Abel*, *Isaac*, *Jacob*, *Juda*, *Phares*, *Ephraim*, *Moses*, *Dauid*, *Salomon*, and others; it was no other then that which *Christ* said, that manie that were last should be first: and that which *Saint Paul* hath deliuered, that God hath chosen the weak, and base, and contemptible things of this world, least any flesh should glorie in his sight. So hath *Herodotus* written<sup>h</sup>, how *Artabanus* the Persian, in complaining maner did confesse, that God delighted to depreesse those things that were high.

But if the first borne die before succession fall; or if being possessed of the kingdom, he die without issue; his right of birth deuolueth vnto the next in blood: and if he dieth in like maner, then vnto the third, and so likewise to the rest in order. This is affirmed by *Albericus*; and may be confirmed by that which *Bal-*

<sup>a</sup> Homil. ad uerius ludos.

<sup>b</sup> Gen 4. 7.

<sup>c</sup> Gen. 27. 29.

<sup>d</sup> Deuta 1. 17.

<sup>e</sup> Exod. 13. 2. & 22. 19. & 34. 19. Leuit. 27.

<sup>f</sup> Num. 1. 13 & 8. 16 & 18. 15.

<sup>g</sup> Nehem. 10. 36.

<sup>h</sup> Ecch. 4. 4. 30.

<sup>i</sup> Luk 2. 23.

<sup>j</sup> Matth. 19. 30.

<sup>k</sup> & 20. 16. Marc.

<sup>l</sup> 10. 3. 1. Luc. 13.

<sup>m</sup> 10.

<sup>n</sup> 1. Cor. 1. circa

<sup>o</sup> 6.

<sup>p</sup> lib. 7.

<sup>q</sup> in proem D. S<sup>d</sup> Discipuli. Et in L. donationes. C. de. den. inter. vir. & 11.

1 Zach. 12. 10.

2 2. Reg. 13. 21.

1 In Exod. cap. 11

2 in scem. de sep-

tem plagis.

3 in Gen. hom. 31

4 Vbi s.

5 De h. sto. ani-

mal. lib. 6. cap. 18.

6 Lib. 11. cap. 40

7 De motu ani-

mal. lib. 1. & lib.

15. cap. 13.

8 Hist. chilia. 4.

cap. 126.

9 in Arato.

10 ἀρετὴν φιλίαν

ἢ τὴν ἐκείνην. in dia-

logo ἀρετὴ παρ-

είτω.

11 ἀρετὴν ἐκείνην

ἢ παλαιὰν ἐκείνην

ἐστίν.

12 Lib. 2. de Cain

& Abel. cap. 2.

13 Exod. 4.

ted by his posteritie. But among al the children, nature seemeth to preferre the first borne, by imprinting in the mind of parents the greatest loue and inclination towards them, as diuers of the authors before alleaged do affirm; & as it may appeare by that of the prophet *Zacharie*, *And they shall lament ouer him as men vse to lament in the death of their first borne*; and likewise by that which is said of *Dauid*<sup>1</sup>, that he would not grieue his sonne *Ammon*, for that he loued him, because *he was his first borne*. Hereupon *Lyra*<sup>2</sup>, and before him Saint *Augustin*<sup>3</sup> and Saint *Chrysostome*<sup>4</sup> do affirme that the last plague of the Egyptians, which was the death of their first borne, was the most sharpe and heauie vnto them. For nothing (saith Saint *Augustin*<sup>5</sup>) is more deare then the first borne. *Aristotle*<sup>6</sup>, *Plinie*<sup>7</sup>, *Aeliane*<sup>8</sup>, and *Tzetzes*<sup>9</sup> do write, that the same affection is also found in certaine beafts.

And to this purpose is that which *Herodotus*<sup>10</sup> reporteth, that when the Lacedæmanians had receiued an oracle, that they should take for kings the two sonnes of *Aristodemus* and *Argina*, but giue most honor vnto the eldest, and they were ignorant which was eldest, because the mother and the Nurse refused to declare it; they obserued which of the children the mother did wash and feed first, and thereby found out that *Eristhenes* was the eldest. *Lucian*<sup>11</sup> cieth the loue of the first borne, as growne into a prouerbe. *Gregorie Nazianzene* saith<sup>12</sup>, that all men haue a sense thereof. Saint *Ambrose*<sup>13</sup> writeth, that in this respect God called the people of Israel his first borne<sup>2</sup>, for that they were, not most ancient, but best beloued



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<sup>e</sup> Exod. 13. 2. & 22. 19. & 34.

<sup>f</sup> 19. Leuit. 27.

<sup>g</sup> 26. Num. 1. 13 &

<sup>h</sup> 8. 16 & 18. 15.

<sup>i</sup> Nchem. 10. 36.

<sup>j</sup> Ezech. 44. 30.

<sup>k</sup> Luk 2. 23.

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<sup>n</sup> 10. 31. Luc. 13.

<sup>o</sup> 10.

<sup>p</sup> 1. Cor. 1. circa

<sup>q</sup> 6.

<sup>r</sup> lib. 7.

<sup>s</sup> in præm D. S<sup>c</sup> Discipuli. Et in L. donationes. C. de. den. inter vir. & vx.

2 In L. 2. C. de  
iur. Emphyt.

1 Per l. Ex factio.

§ Pen. Dad Treb.

3 Conf. 275.

lib. 2.

4 in l. Proximus.

D. de verb. sig.

5 L. Ex duobus.

D. de vulg. &

pup.

7 in l. Si quis

prioris §. talem.

D. de descend.

2 Ibid.

4 in addit. Bar.

l. 1. c. Qui habe-

bar D. de bo. poss.

e. int. tab. & in

disput. incip. Si.

gilmund.

5 Conf. 92.

6 in tract de

pos. & excell. reg.

q. 10. & q. 74.

7 in c. queritur. §.

item opponitur

22. q. 2.

8 Vnigenitus.

9 c. nam & ego.

De ver. sig.

thus saith<sup>2</sup>, that succession hath reference to the time of death, and respecteth the prioritie which is then extant<sup>1</sup>. And againe<sup>3</sup>, *He is not said the first borne in lawe, who dyeth before the fee openeth, but he who at that time is eldest in life.* And this opinion is embraced by *Alciatus*<sup>4</sup>; because as *Celsus* saith<sup>5</sup>; *Primus is dicitur ante quem nemo sit, He is first who hath none before him.* *Jaco. Arretinus, Cinus, Albericus* and *Baldus* doe forme this case<sup>6</sup>: There is a custome, that the first borne of the first mariage shoulde succede in a baronnie; a certaine baron had three wiues; by the first he had no children, by the other two manie; the first sonne of the second mariage shall succede: because (as the glossographer there saith) the second mariage in regarde of the thirde is accounted first. *Baldus*<sup>7</sup> dooth extende it further; that if hee hath a sonne by the first mariage; and hee refuse the baronie, the first sonne by the second mariage shall succede in his right: and so hee saith it was determined in the kingdome of Apulia, when *Lewes* the kings eldest sonne was professed a friar. And this decision is allowed by *Alexander*<sup>8</sup>, *Oldradus*<sup>9</sup>, and *Antonius Corsetta*<sup>1</sup>: and is prooued by plaine text of the canon law, both where the second borne is called first borne, whe the first borne hath giuen place<sup>2</sup>; and also where he is called the onlie sonne<sup>3</sup>, whose brother is dead<sup>4</sup>. But because it is a notorius custome that the neerest in blood doth succede, although perhaps remoued in degree, I wil labour no more to loade it with prooffe: for who wil proclaime that the sunne doth shine?

But if we should now graunt vnto you (which is a greater

greater curtlesie, then with modesty you can require) that no particular forme of gouernement is naturall: what will you conclude thereof? what inference can you hereupon enforce? *That there is no doubt but the people haue power to choose and to chaunge the fashon of gouernment, and to limitte the same vwith vwhat conditions they please.* What Sir? can you finde no thirde? but that either one forme of gouernment is naturall, or that the people must alwaies retaine such libertie of power? haue they no power to relinquish their power? is there no possibilitie that they may loole it? whether are you so ignorant to thinke as you speake, or so deceitfull to speake otherwise then you thinke. There is no authoritie which the people hath in matters of state, but it may bee either bound or streightned by three meanes.

The first is by cession or graunt: for so the Romans by the law of royaltie yecelded all their authoritie in gouernment to the Prince. Of this lawe *Vlpi.* maketh mention; and *Bodin* reporteth that it is yet extant in Rome grauen in stone. So the people of Cyrene; of Pergame and of Bithynia, did submit themselves to the Empire of the Romanes. So the Tartarians commit absolute power both ouer their liues and their liuings to euerie one of their Emperours: & so haue our people manie times committed to their king the authoritie of the parliament either generallie, or els for some particular case. For it is held as a rule, that any man may relinquish the authoritie which he hath to his owne benefit &

<sup>7</sup> Lex regia.  
<sup>8</sup> Li. 1. de const.  
princ.  
<sup>9</sup> De rep. lib. 2.

¶ L. Si finis &  
ib. Bar. & Bald  
D. de dam. in lect.  
\* L. Si quis iustu-  
randum. c. de reb.  
cred.

¶ Inst. de iur. Per-  
son.

¶ L. I. de usufructu.

¶ L. vii. C. de  
prescript. long. temp.  
L. si aut. c. de  
prescript. 30. ann.

¶ L. Si de inter-  
pretatione. D. de  
li.

¶ L. Omnes po-  
puli. De iust. &  
iur. L. Sed & ca.  
D. de legib.

¶ L. I. de Feud.  
¶ c. I. de ali. Feud.

¶ L. Testaments  
omnia.  
C. de test.

fauour<sup>b</sup>. Neither is he againe at pleasure to be ad-  
mitted to that, which once hee did thinke fit to re-  
nounce<sup>c</sup>. And as a priuate man may altogether abā-  
don his free estate, and subiect himselfe to seruile  
condition<sup>d</sup>, so may a multitude passe away both their  
authoritie and their libertie by publike consent.

The second is by prescription and custome, which  
is of strength in all parts of the world, least matters  
should alwaies float in vncertainie, and controuer-  
sies remaine immortall<sup>e</sup>. And that this authoritie  
of the people may be excluded by prescription, it is  
euidēt by this one reason, which may be as one in a  
third place of Arithmeticke, in standing for a hun-  
dred. Euerie thing may be prescribed, wherein pre-  
scription is not prohibited<sup>f</sup>: but there is no lawe  
which prohibiteth prescription in this case; and  
therefore it followeth that it is permitted. And gene-  
rallie, custome doth not only interpret law<sup>g</sup>, but cor-  
recteth it, and supplieth where there is no lawe<sup>h</sup>: in  
somuch as the common lawe of England, as well in  
publick as priuate controuerries, is no other (a fewe  
maximes excepted) but the common custome of the  
Realme. Baldus saith<sup>i</sup>, that custome doth lead suc-  
cession in principalities, which Martinus<sup>k</sup> adui-  
seth to fixe in memorie, because of the often change  
of Princes: and the particular custome of euerie na-  
tion is at this day, the most vsuall and assured law be-  
twene the Prince and the people. And this doe the  
Emperours Honorius and Arcadius<sup>l</sup>, in these wordes  
cōmand punctuallie to be obserued: *Mos namque re-  
tinendus est fidelissima vetustatis*: the custome of faith-  
ful antiquitie must be retained: which place is to this  
sense

sense balanced by *Paul. Gastrivensis*, *Franc. Arctivensis*,  
 and *Phil. Cornens*; who termeth it a morall text.  
 The like whereto is found also in the Canon lawe,<sup>2</sup>  
 and noted by the Glossographer<sup>1</sup>, *Archidiaconus*<sup>2</sup>,  
*Romanus*<sup>3</sup>, and *Cepola*<sup>4</sup>. Neither were the Fathers  
 of the Nicene council of other opinion; who thus  
 decreed: *Let ancient customes stand in strength*:  
 Whereto also agreeth that old verse of *Ennius*,

*Moribus antiquis res stat Romana virisque:*

Customes and men of oldest sort;  
The Roman state do best support:

which is cited by Saint *Austin*; and esteemed by *Cicero* both for brevitic and truth, as an oracle. To the same sense *Periander* of *Corinth* said, that old lawes and new meates were fittest for use: which saying *Phauorinus* in *Gellius* did in this manner a little vary: *Live after the passed manner, speake after the present*. Hereto also pertaineth that edict of the censors mentioned by *Suetonius*, & *Aul. Gellius*: *Those things which are beside the custome and fashion of our Elders, are neither pleasing, nor to be adjudged right*. Of this point I shall have occasion more particularlie hereafter to write.

The third meanes whereby the people may loose their authoritie, is by way of conquest. For how soeuer Saint *Augustine*<sup>3</sup>, and after him *Alciate*<sup>4</sup>, doe disallowe ambition of enlarging Empire; and tearme warres ypon this cause great treueries<sup>5</sup>: Whereupon *Lucane*<sup>6</sup>, and his vncle *Seneca*<sup>7</sup>, called *Alexander the Great*, a great robber of the world<sup>8</sup>; Yet there is no doubt but the sentence of victorie, espe-

h e Ridiculum  
12. di.  
l in e Quanto de  
transl. pral.  
m in e Domino.  
30. di.  
n in L. Si sero  
D. de sol. Maz.  
o in traç. de im-  
per.  
P rei arç. a 100  
xç. di. 100.

1 De cinit. De  
 lib. 2. cap. 27.  
 1 lib. 3. de republ.  
 τὸν δὲ καὶ τοῖς πα-  
 λαιοῖς χρόνοις, τοῖς  
 δὲ ἰστορίαις ἀπο-  
 σφραγιστέον.  
 2 Viue moribus  
 prætentibus, lo-  
 quere verbis præ-  
 sentibus.  
 3 Lib. de clar.  
 rhetor.  
 4 Lib. 1. q. 6. ii.  
 & lib. 1. cap. 10.  
 5 Quæ præter  
 consuetudinem  
 & morem maio-  
 rum sunt, neque  
 placent, neque  
 recta videntur.

4. de civit.  
5. Conf. 32.

b. Grandia latro-  
 cina. 34  
 • lib. 10.  
 • 1. de benefic.  
 • Orbis terrarū  
 prado.

especiallie if the war was vndertake vpon good cause (as the conqueror being made his own arbitrator wil hardlie acknowledge the contrarie) is a iust title of acquisition<sup>1</sup>; reducing the vanquished, their priuileges, liberties and whole estate, vnder the discretion of him that is victorious. *Cesar* sayth; *He geweth all that denieth right*: which sentence is approoued by *Couarunias*<sup>2</sup>; affirming, that the victor maketh all which his sword toucheth to be his owne. So sayth *Baldus*<sup>3</sup>; that he doth his pleasure vpon the vanquished: and againe *Cesar* in the speech of *Ariouistus*<sup>4</sup>; it is the law of armes, that the victorious should commād those whom they haue subdued, euen as they please. *Clemens Alexandrinus* saith<sup>5</sup>, the goods of enemies are taken away by right of warre. *Socrates*<sup>6</sup> hath written, that the Lacedæmonians did by title of victorie in this sort maintaine their right. *We hold this land giuen by the posteritie of Hercules, confirmed by the Oracle of Delphos, the inhabitantes thereof being ouercome by warre*. Which was not much vnlike that which *Iephthe* captaine of Israell expostulated with the *Ammonites*. *Are not those things thine which Chamos thy God hath possessed? but whatsoever the Lord our God hath conquered, pertaineth vnto vs.* Yea, God doth expressely giue to the people of Israel, the cities which they should subdue<sup>7</sup>; some into full possession, others into seruitude & subiection: by which title *Iacob* also had giuen to *Ioseph* his partage among his brethrē, euen the land which he had taken frō the Amorites with his sword and with his bow<sup>8</sup>. It was vsuall to the Romans, and as *Appian* saith<sup>9</sup>, iust, to retaine principall or direct dominion, in al thinges which

<sup>1</sup> Fl. Postliminium  
D. de captis.

<sup>2</sup> Arma: tenenti  
omnia dat qui in-  
fra negat.

<sup>3</sup> Reg. peccatum  
p. 1. §. 9.

<sup>4</sup> in rub. C. de la.  
li.

<sup>5</sup> Ut qui vicissent,  
iis quos vicissent,  
quomodo in  
velint impera-  
rent.

<sup>6</sup> Strom. 1.  
<sup>7</sup> Archid.

<sup>8</sup> Iudic. 11. 33.  
& 24.

<sup>9</sup> Gen. 10.

<sup>10</sup> Gen. 48. 32.  
<sup>11</sup> 1. Ciu.



which they brought vnder the sway of their sworde.  
*Briffonius* hath collected certaine examples of the  
 forme of yeelding vnto the Romans, whereby al pro-<sup>4. de form.</sup>  
 phane & sacred, al humane and diuine matters were  
 submitted vnto them.

Seeing therefore that the people may so many  
 wayes loose both their power and their right in af-  
 faires of state, is not your ignorance aduenturous so  
 generallie to affirme, that if no one forme of gover-  
 nment bee naturall, there is no doubt but the people  
 haue power both to alter and limit the same, as they  
 please? Can no lawe, no custome, no conquest re-  
 straine them? Your pen doth range, and your iudge-  
 ment rage beyond al compasse and course of reason.  
 You should haue said, that there is no doubt, but if  
 by al or any of these meanes, the right both of succes-  
 sion and government be settled in one familie, accor-  
 ding to propinquitie and priority of blood, the peo-  
 ple may neither take away nor varie the same, and if  
 they doe, they commit iniustice, they violate the law  
 of nations, whereby they expose themselves, not on-  
 lie to the infamie and hate of al men, but to the re-  
 uenge of those who wil attempt vpon them. For it  
 is not onlie lawfull but honourable, for any people,  
 either to right or reuenge the breach of this lawe; a-  
 gainst them which contemne it, as monsters; against  
 them who knowe it not, as beasts. *Saint Augustine*<sup>1. de ciuit.</sup>  
 saith, *If a Citie or people should decree some great*  
*mischiefes to be done, by the decree of mankind it is to*  
*be destroyed.* And as in the state of one countrey any  
 man may accuse vpon a publicke crime,<sup>1. Inst. de publi.</sup>  
 so in the state of the world, any people may prosecute a com-<sup>ind.</sup>



mon offence: for as there is a ciuill band among all the people of one nation; so is there a naturall knot among all men in the world.

You close your conclusion with this conceit, that the word *naturall Prince*, or *naturall successor*, is to be vnderstood of one, who is borne within the same Realme, and that it is ridiculous to take it, as though anie prince had naturall interest to succeed. But what contradiction wil you then make of that which *Herodian* deliuereth<sup>1</sup>, in the speech of *Commodus* the sonne of *Marcus*? *Now hath fortune giuen me vnto you for prince in his stead, not drawn into the state, such as they were, who were before me; nor as one that glorieth in the purchase of the Empire for I onlie am borne vnto you, and brought up in the court, neuer swathed in private clothes; but so soone as I was borne the imperiall purple did receive me, and the sun beheld me at once, both a man and a prince. Consider these things, and honour your prince by right, who is not giuen, but borne vnto you.* Girard<sup>2</sup> goeth further in writing of *Charles the Simple*, that he was king before he was born. Say therefore againe, that it is ridiculous to take the word *naturall prince*, for one that hath right of succession inherent in him by birth; and I wil say that this mirth wil better become a naturall incoode, then any man that is wise. But let us now consider the further passage of your discourse; both how you are able to fortifie this foundation, and what building it is able to beare.

<sup>1</sup> Herod. lib. 1.

<sup>2</sup> Tunc principem solite, non datu, sed natum.

<sup>3</sup> Lib. 1. de l'Estat de France.

TO



TO THE SECOND CHAPTER,  
which is intituled,

*Of the particular forme of Monarchies and kingdomes,  
and the different lawes whereby they are to bee  
obtained, holden and governed in di-  
uers countries, according as each  
common wealth hath cho-  
sen and establi-  
shed.*

**I**N this chapter you spend much speech  
in praising a monarchie, and preferring it  
before the government of manie, which  
you doe to no other end, but to insinuate  
your selfe either into credit, or aduantage to drawe  
it downe; euen as Iash presented Amasa with a  
kind kisse, to winne thereby opportunitie to stab  
him. For in the end<sup>b</sup> you fetch about, that because  
a Prince is subiect, as other men, not onely to er-  
rours in iudgement, but also to passionate affections,  
in his will; it was necessarie, that as the common  
wealth hath given that great power ynto him, so it  
should assigne him helpes for managing the same.  
And that a Prince receiueth his authoritie from the  
people, you proue a little before<sup>c</sup> for that Saint

<sup>a</sup> 2 Sam. 10.  
<sup>b</sup> Fol. 11.

<sup>c</sup> Page. 17.

2. Pet. 2.

*Peter* tearmeth kings *Humane creatures*<sup>a</sup>; which you interpret to bee, a thing created by man; because by mans free choise, both this forme of gouernment is erected, and the same also laide vpon some particular person.

I know not in what sort to deale with you, concerning this interpretation. Shall I labour to impugn it by arguments? Why, there is no man that wanteth not either iudgement or sinceritie, but vpon both the naturall and vsuall sense of the words, hee will presently acknowledge it to bee false. Shall I go about either to laugh, or to raile you from your errour, as *Cicero* in the like case perswaded to doe? But this would bee agreeable neither to the stayednesse of our yeeres, nor the grauitie of our professions. I am now aduised what to doe; I will appeale, as *Machetes* did before. *Philip* of Macedonia<sup>b</sup>, from your selfe asleepe, to your selfe awakes; from your selfe distempered by affection, to your selfe returned to sobrietie of sense. Do you thinke then in true earnest, that a humane creature is a thing created by man, or rather that euery man is a humane creature? Is a brutish creature to be taken for a thing created by a beast? *Spirituall*, *Angell*, *call*, or anie other adiunct vnto creature; what reference hath it to the Authour of creation? And if it were so, then should all creatures be called diuine, because they were created by God, to whom onely it is proper to create; and in this verie point, *Saint Paul* saith<sup>c</sup>, that all authoritie is the ordinance and institution of God. Neither needeth it to trouble vs that *Saint Peter* should so generally inioine vs

<sup>a</sup> Plutarch. in  
probl.

<sup>c</sup> Rom. 13.

to be obedient to all men, no more then it troubled the Apostles, when Christ commanded them to preach to all creatures<sup>d</sup>; according to which commission, Saint *Paul* did testifie<sup>e</sup>, that the Gospell had beene preached to euerie creature vnder heaven: but Saint *Peter* doth specifie his generall speech, and restraine his meaning to kings and gouernours; in which sense Saint *Ambrose*<sup>f</sup> citeth this place, as it followeth: *Bee subiect to your Lords, whether it bee to the king, as to the most excellent, &c.*

<sup>d</sup> Marc. 16.  
<sup>e</sup> Col. 1. 23.

<sup>f</sup> Ad Auxentij.

This interpretation not only not relieuing you, but discovering very plainly either the weaknesse or corruption of your iudgement, it resteth vpon your bare word, that kings haue receiued their first authoritie from the people; which although I could denie, with as great both countenance & facilitie, as you affirme; yet will I further charge vpon you with strength of prooffe.

Presently after the inundation of the world, we find no mention of politike gouernement, but onely of oeconomical, according as men were sorted in families: for so *Moses* hath written<sup>g</sup>, that of the progenie of *Japheth*, the Iles of the Gentiles were deuided after their families. The first, who established gouernment ouer manie families, was *Nimrod* the sonne of *Cush*, accounted by Saint *Chrysostome*<sup>h</sup> the first King: which authoritie hee did not obtaine by fauour and election of anie people, but by plaine purchase of his power. Heere vpon *Moses* calleth him a mightie Hunter<sup>i</sup>, which is a forme of speech among the Hebrewes, whereby they signifie a poi-

<sup>g</sup> Gen. 10. 5.

<sup>h</sup> Hom. in Gen.

<sup>i</sup> Gen. 10. 9.

in Cratyl.

1. 202. Attic. 9.  
cap. 4.

Gen. 10.

Ninus primus  
dicitur bello par-  
ta retinuisse, cum  
prioris contenti  
victoria imperio  
abstinuissent.  
Iust. 1.

a spoiler or oppresser. And this doth also appeare by the etymologie of his name; for *Nimrod* signifieth a rebell, a transgressor, and as some interpret it, a terrible Lord: and names were not imposed in auncient times by chance or at aduenture, as *Plato*<sup>1</sup>, one of natures chiefe secretaries, and among the Latin writers *Aul. Gellius*<sup>1</sup> doe affirme.

Many hold opiniō, that this *Nimrod* was the same, whom the Grecians cal *Ninus*: which seemeth to be confirmed by that which *Moses* saith<sup>a</sup>, that hee did build the Citie of Ninie. Of this *Ninus*, *Iustine* writeth<sup>b</sup>; that he was the first who held that which hee did subdue; others, satisfied with victorie, aspired not to beare rule. *Nimrod* founded the empire of the *Assyrians*, which continued by succession in his posterity, vntil it was violently drawn frō *Sardanapalus* to the Medes. From them also *Cyrus* by subuersion of *Assyages* did transport it to the Persians; and from them againe the Grecians did wrest it by conquest. After the death of *Alexander*, his captaines without any consent of the people, made partition of the empire among them; whose successors were afterwards subdued by the armies and armes of Rome. And this empire, beeing the greatest that euer the earth did beare, was in the end also violently distracted, by diuers feuerall either conquests or reuolts. *Leo Afer* writeth, that it is not a hundred yeares, since the people of Gaoga in Africk had neither king nor Lord, vntill one hauing obserued the greatnesse and maiestie of the king of Tombute, did enterprise to attaine so ueraignie about them; which by violence he effected, and left the same to his posteritie. And because

cause I will not bee tedious in running through particulars, giue you an instance of anie one people, which hath not diuers times receiued, both Prince and gouernment by absolute constraint, *Et Phillida solus habeto*; and I will yeeld to all that you affirme. But failing herein, you shall bee enforced to confesse, that in manie, yea in most, if not in all countries, the people haue receiued libertie, either from the graunt or permission of the victorious Prince, and not the prince authoritie from the vanquished people.

What helpes nowe doe you imagine, that the people haue assigned to their Prince?

The first, you affirme to be the direction of lawes. But it is euident, that in the first heroicall ages, the people were not gouerned by anie positive lawes, but their kings did both iudge and commaund, by their word, by their will, by their absolute power; and, as *Pomponius* saith \*, *Omnia manu a regibus gubernabantur*: Kings gouerned all things: without either restraint or direction, but onely of the lawe of nature.

The first lawe was promulged by *Moses*; but this was so long before the lawes of other nations, that *Iosephus* writeth \*, It was more ancient then their gods: affirming also, that the word *Law* is not found in *Homer*, or in *Orpheus*, or in anie Writer of like antiquitie. Of this law of nature *Homer* maketh mention in these words:

\* Contra Appianum.

*De deorum antiquitate disputans:*

And they who keepe the lawes which God hath prescribed.

And

And againe,

*Asperius, & ducit, & ducit, & ducit  
in vobis legem: & ducit, & ducit.*

*Viciuill and vniuſt is he, and wanting private ſtate,  
Who boldeth not all ciuill war in horror and in baſe.*

And of the iuſtice of kings he writeth in this maner.

*Idem & ducit, & ducit, & ducit  
in vobis legem: & ducit, & ducit.*

<sup>1</sup> lib. 1. de regno. In which verſes *Chryſoſtome* affirmeth <sup>1</sup> by the iudgment of *Alexander*, that *Homer* hath delineated the perfect image of a King: but that hee maketh mention of anie poſitiue lawes, I doe rather doubt then assuredlie denie. For Kings in auncient times did giue iudgment in perſon, not out of any formalitie in lawe, but onlie according to naturall equitie. *Vergil* ſaith <sup>2</sup>:

*Hoc Priami geſſamen erat cum iura vocatis  
More daret populis.*

This was the robe which *Priamus*  
did alwaies vsē to weare,  
When he the people to him called,  
their cauſes for to heare.

Which he doth alſo affirme of *Aeneas*, *Dido*, and of *Alceſtes*. The like doth *Herodotus* report <sup>3</sup> of *Midas* king of *Phrygia*, who conſecrated his tribunall to *Apollo*: and the like alſo dooth *Plutarch* <sup>4</sup> of diuers kings

<sup>1</sup> Aeneid. 5.

<sup>2</sup> Aeneid. 1.

<sup>3</sup> Aeneid. 5.

<sup>4</sup> lib. 1.

<sup>5</sup> in Apophth.



kings of Macedonia: *Philarchus* affirmeth in *Athenus*, that the kings of Persia had palme trees and vines of goulde, vnder which they did sit to heare causes.

But because it grew both troublesome & tedious, for al the people to receiue their right from one man; lawes were inuented, as *Cicero* saith, and officers also appointed to execute the same.

¶ At cum ius  
quabile ab vno  
viro homines  
non conseq-  
rentur, inuen-  
tæ sunt leges.  
Offic. 2.

Another original of lawes was thus occasioned: When anie people were subdued by armes, lawes were laid like logs vpon their necks, to keepe them in more sure subiection: which both because it is not doubtful, and to auoid prolixitie, I will manifest onlie by our owne example.

When the Romans had reduced the best part of this Iland into the forme of a prouince; as they permitted libertie of lawe to no other countrie vnder their obedience, so here also they planted the practice of their lawes: and for this purpose they sent ouer manie professors, and among others *Papinian*, the most famous both for knowledge and integritie, of all the authors of the ciuill lawe. Againe, when the Saxons had forced this Realme, and parted it into seauen kingdomes, they created so manie settes of law; of which onelie two were of continuance, the Mercian lawe; and the West Saxon law. After these the Danes became victorious; and by these newe Lordes new lawes were also imposed, which bare the name of Dane-lawe. Out of these three lawes, partlie moderated, partlie supplied, King *Edward* the confessor composed that bodie of lawe, which afterwarde was called

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And againe,

*Aspirans ad iudicium. ad hoc: 'Quid iudicium  
de iudicibus legibus: Eundemque iudicium.*

*Viciuill and vniust is he, and wanting prime state,  
Who boldeth not all ciuill war in horror and in hate.*

And of the iustice of kings he writeth in this maner.

*Ad hoc: 'Cum aduersus vultu' & de: 'Cum iudicium,  
vultu non pectus iudicium, vultu vultu  
in iudicium, vultu' & de: 'Cum iudicium.*

<sup>1</sup> lib. 2. de regno. In which verses *Chrysostome* affirmeth <sup>1</sup> by the iudgment of *Alexander*, that *Homer* hath delineated the perfect image of a King: but that hee maketh mention of anie positive lawes, I doe rather doubt then assuredlie denie. For Kings in auncient times did give iudgment in person, not out of any formalitie in lawe, but onlie according to naturall equitie.

<sup>2</sup> Aeneid. 7.

*Virgil* saith:

*Hoc Priami gestamen erat cum iura vocatis  
More daret populis.*

This was the robe which *Priamus*  
did alwaies vse to weare,  
When he the people to him called,  
their causes for to heare.

<sup>3</sup> Aeneid. 3.

<sup>4</sup> Aeneid. 7.

<sup>5</sup> Aeneid. 3.

<sup>6</sup> lib. 1.

<sup>7</sup> in Apophth.

Which he doth also affirme of *Aeneas*, *Dido* and of *Alcester*. The like doth *Herodotus* report <sup>8</sup> of *Midas* king of Phrygia, who consecrated his tribunall to *Apollo*: and the like also dooth *Plutarch* <sup>9</sup> of diuers kings

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SAINT  
F Saint

Saint Edwards lawes. Lastly, the Normans brought the land vnder their power; by whom Saint Edwards lawes were abrogated, and not onlie new lawes, but newe language brought into vse; in somuch as all pleas were formed in French; and in the same tongue children were taught the principles of Grammar. These causes wee find of the beginning of lawes; but that they were assigned by the people for assistance and direction to their kinges, you bring neither argument, nor authoritie for prooffe; it is a part of the dresse of your owne deuise.

The second helpe, which you affirme that common wealthes haue assigned to their kinges, is by parliaments and priuie councelles. But Parliaments in al places haue bin erected by kinges; as the parliament of Paris and of Montpellier in Fraunce, by Philip the Faire; the parliament in England by Henrie the first; who in the sixteenth yeare of his raigne, called a comcell of all the states of his realme at Salisbury, which our Historiographers do take for the first Parliament in England; affirming that the kinges, before that time, did neuer call the common people to counsell. After this the priuie comcell at the instance of the Archbishop of Canterburie, was also established; and since that time, the counsellors of state haue alwaies bin placed by election of the Prince. And that it was so likewise in auocient times, it appeareth by that which Homer writeth

*First hee established a counsell of honorable old men:  
And likewise by Virgill.*

*--- gaudet regno Traianus Acastes,*

*Indicitque forum, et patribus dat iura vocatis:*

*Accessors of the Trisiane blood in Kingdome doth delight,  
He sets a Court, and counsell calls, & gives ech man his right.*

I will passe ouer your course; foggie, drow-  
sie conceite, that there are few or none simple mo-  
narchies in the world, (for it would tire any to  
toyle after your impertinent errorrs) and wil now  
rip vp your packet of examples, whereby you inde-  
uour to shew, that the power of kings hath bin bride-  
led by their subiects. But what do you infer hereby?  
What can you inforce? will you rake ouer al histo-  
ries for examples of rebellion, and then argue, *a facto  
ad ius*; that euerie thing is lawful which you finde to  
haue bin done? *Iustinian* sayth: *Non exemplis, sed le-  
gibus iudicandum* \*. We must iudge facts by lawe,  
and not lawe by facts, or by examples: which *Alci-  
ate* † and *Deciane* ‡ do reuerse a golden lawe; because  
there is no action either so impious or absurd, which  
may not bee paralleled by examples. Will you  
prooue it lawful to vie fleshlie familiaritie with the  
sister, with the mother in law, with the naturall mo-  
ther? You haue the example of *Cambyses* for the first,  
*Caracalla* for the second, *Dionysius* and *Nero* for the  
third. The Iewes vppon whom God had setled his  
choise, did at times, (beside many other enormities)  
erect male stewes §. Of the two nations, whose ex-  
amples you vse; the Romans and the Lacedæmoni-  
ans, the first did the like vnder diuers emperours,  
as *Lampridius* writeth; and in more auncient times  
allowed also parricide of children ¶: the other would  
sorr themselves by fiftene and twentie families to-  
gether, and hold both wines and goods in common.  
I omit the vnnatural customes of diuers other na-

\* l. 13. C. de sen.  
& interloc.

om. iud.

† 5. Conf. 33. &  
6 50.

‡ 3. 100.

§ 3. Reg. 14. & 15

¶ Gell. lib. 5.

ca. 19.

tions; and will now declare, how in straining a few examples to countenance your conceit, you are constrained to beate your selfe no lesse cunning in concealing truthes, then bold in auouching things which are, not only vncertaine, but plainely false.

It is true which you write, that the kings of *Sparta*, by the institution of *Lycurgus*, were obedient to the officers called *Ephori*; but these were titular kings, hauing no other power but a single voice among the Senators: and because all affaires were caried by consent of the people, the estate was then esteemed popular. Afterwards *Theopompus*, by pretence of an Oracle, drew this authoritie from the people, to a Senate of thirtie; whereby the gouernment did change into an *Aristocracie*; & yet the naked name of kings was retained. By this shuffling of rule the *Lacedamonians* were continually tossed with tempests of sedition, ceasing not to wade in their owne bloud (as before you haue acknowledged) vntill in the end they were brought into subiection; first, by the *Macedonians*; afterward by the *Achaëans*; and lastly by the *Romans*. I will not say now what reason haue we? but what a shame is it for vs, to open our eares to these Vtopicall state-writers? who being mellowed in idlenesse, & hauing neither knowledge nor interest in matters of gouernment, make new models vpon disproportioned ioints, borrowed from nations most different in rule.

You affirme by the testimonie of *Linie*, that for offence taken against *Romulus*, because hee reigned at pleasure, and not by law, the Senators did cut him in peeces: in which short assertion many base vntuths

truths are included, beneath the degree of anie vile word. *Linie* writeth that he sorted the people into order, and gouerned them by lawes, and that hee was also both aduised and valiant in the field; euen such a one as *Homer* describeth:

*ἀσπρὸς ὡς ἄλκυονας, ἀνδρῶν δὲ ἀντιπύχνης.*

Both a good king, and courageous commander. Concerning his end, *Linie* writeth, that in taking muster of his armie, a thicke tempest did arise, after which he was neuer seene; wherein he is seconded by *Solinus*, *Eutropius* and the rest: only *Linie* addeth, that there was a rumor, but verie obscure, without any certaine either authour or ground; I will adde also without probabilitie, that he was torne in peeces. For howe probable is it, that such a fact, in the open view of his armie, could bee verie obscure? how probable is it also, that the people would first teare him in peeces for his iniustice, and then worship him for a God? Further, with what either confidence or conceit, doe you alleage this report of *Linie*, for his opiniō? I find your fetch; you apprehend euerie thing which may, if not confirm, yet countenance that doctrine, which lately you haue drawne out of *Cerberus* denne; That it is lawfull to contriue the death of kings.

That the people were griued against *Seruius Tullius* for raigning without election; it is a meere fantasie, a dreame, a denise. *Linie* saith, that hee was declared king with such a consent, as no man had bin before him.

*Tanto confesso quanto huiusmodi quicumque alius ante rex est declaratus.*

That *Tarquinius* neglected the lawes of gouernment prescribed to him by the common wealth, it is an ougly vntruth. *Linie* saith, that he brake the auncient



§ in l. 2. D. de  
orig. iur.

§ ius civile Pa-  
pirianum.

ent manner of kings before him: but for lawes *Pom-  
ponius* affirmeth<sup>a</sup>, that at that time the Romans had  
no lawes but from their kings, and that *Sextus Papi-  
rius* reduced them into one volume, which was called  
the ciuill law of *Papirius*<sup>b</sup>, and that when the peo-  
ple expelled their kings, they abrogated their  
lawes also, and remained twentie yeares without  
any law.

Lastly you adde, that the Romans did expell their  
kings, and erect Consuls in their steed: but you sup-  
presse that which followed, which I hold for a com-  
mon consequence of y<sup>e</sup> like disorder. First, that for this  
cause, they were presently almost overwhelmed with  
warres: secondly, that in this state, they neuer enioy-  
ed long time free from sedition: lastly, that as *Taci-  
tus* saith<sup>c</sup>, there was no meanes to appease these tur-  
mults, but by returning to a monarchie againe. All  
this I write, rather to manifest the maner of your  
dealing, then that I hold it much regardable what  
Romans did.

i Nullum esse  
discordantis pa-  
triz remedium,  
quam vt ab vno  
regeretur. annal. 1.

Your examples of our present age I will wrap vp  
in these few words. All nations, very few excepted,  
do consent in this forme of government; first, to bee  
vnder one Prince; secondly, to accept him by suc-  
cession, according to propinquitie of blood: in other  
circumstances, either for inaugurating their prince,  
or for the maner of managing and executing his go-  
uernment, not two nations in the world in all points  
do agree. And yet is not this diuersitie raised, by any  
lawes which the people doe prescribe vnto their  
Prince, as you doe most grossely, yea peeuishtly, yea  
maliciously affirme; but by the particular lawes  
and

and customes of euerie nation, in which the consent of the Prince, either secret or expresse, sometimes onely is sufficient, alwayes principally doth concur.

Vpon this diuersitie of customes you conclude, that it sufficeth not to alleage bare propinquitie of blood. What? not where that custome is established? as I haue declared it to bee in most nations of the world? doth difference of customes make all custom void? doth diuersitie of custome in some circumstances take away the principall custome of succession by blood? This cleaueth together no surer then sand; you loose both labour and credit in obtruding vnto vs these weake and loose arguments, without either force of reason or forme of Art.

Your instance of the lawe Salicke in France, doth offer occasion to enter into a large field, where- in I could plainlie prooue, that there was neuer a- nie such lawe made to bind the discent of the crowne of Fraunce; and that it hath bin the custome in most parts of the world, not to exclude women from suc- cession in state: in somuch as *Beda*<sup>k</sup> and before him *Eusebius*<sup>l</sup>, and *Plinie*<sup>m</sup> doe write, that certaine people were gouerned onlie by Princes of that sex. But because this is a matter both of long discourse, and not proper to our purpose, I wil containe my selfe within this obseruation; That the exclusion of King *Edward* the third from the crowne of Fraunce, vpon this pretence, was the cause of the effusion of their brauet blood, and of the spoile, wast, and conquest of all that Realme. I acknowledge that the English haue lost the possession of that conquest; and that was by meanes of domestical warres, for exclu-

<sup>k</sup> in A.D. cap. 8.

<sup>l</sup> lib. 2. cap. 1.

<sup>m</sup> lib. 6. cap. 29.

& 30.

excluding the neereſt in blood from the crowne; into which vnquiet quarrell, you doe now endeavour againe to imbarke vs. Yet no man can aſſure that the miſeries of Fraunce for this cauſe are at an end. Rammes recoile to ſtrike harder: we are gone rather backe then away: I will not preſage, but anie man may coniecture, that our minds and our meanes will not alwaies want the fauour of time.

After all this you proceede a degree further; that it is lawfull vpon iuſt conſiderations, not only to put backe the next inheritor of the crowne, but alſo to remoue him who is in full poſſeſſion thereof. And y<sup>e</sup> is plaine (you ſay) not onely by the grounds before by you alleaged, but alſo by example of the Romans & Graecians: & becauſe God hath commonlie concurred in ſuch iudiciall actions of the ſtate; not onely in proſpering them, but in giuing them alſo ſome notable ſucceſſour. And yet you proteſt you are far from their opinion, who vpon euerie milike are readie to ſtand againſt their Princes; and that you eſteem the tenure of a crowne, if once it be ſettled, the moſt irregular, whereto euery man is bound to ſettle his conſcience, without examination of title or intereſt; but onely by the ſupreme law of Gods diſpoſition, who can diſpence in what he liſteth: and that notwithstanding you are as farre, from the abiect flatterie of *Billaie* and others; who affirme, that Princes are ſubiect to no law or limitation at al, and that they ſucceed by nature and birth onely, and not by admiſſion of the people; and that there is no authoritie vnder God to chaſten them. Theſe you call abſurd paradoxes; and herewith you ſettle your ſelf  
to

to shewe in the next Chapter, what good successe hath insued the deposition of Princes.

Concerning your protestation, wee may say vn-  
to you as *Isaac* said to his sonne *Jacob* \*. *The voice is*  
*Jacobs voice, but the hands are the hands of Esau*: You  
speake faire, and therewith also well; but the maine  
drift of your discourse, is nothing else but a tempe-  
stuous doctrine of rebellion and disorder: you being  
therein like the boatman, who looketh one waie  
and pulleth another; or rather like the image of *Ia-*  
*mus*, which looked two contrarie waies at once. It is  
a rule in lawe; That a protestation contrarie to a  
mans act, will not serue to relieue him\*: onlie this  
shal serue to conuince you, either of false or of for-  
getful dealing, when we come to that place where in  
flat words you maintaine the contrarie.

\* Gen. 27. 22

\* Protestatio ac-  
tui contraria non  
releuat.

Concerning the querele which you lay against  
*Billaie*; as I haue not scene what he hath written, so  
wil I not interpose betweene him and you. I neuer  
heard of christian prince who challenged infinite au-  
thoritie without limitation of any law, either natural  
or diuine. But where you terme it an absurd para-  
doxe, that the people should not haue power to  
chasten their Prince, and vpon iust considerations to  
remoue him; I am content to ioine with you vppon  
the issue.

And first I note the maner of your dealing, in that  
you haue omitted to expresse what these iust consi-  
derations may be. For seeing there hath bin no king,  
who is not noted of some defects; and againe, no  
Tyrant, who hath not manie commendable partes  
(as *Plutarch* writeth\* that *Diomysius* excelled most  
princes in diuers pointes of iustice and vertue) it

\* In Diomysio.

is a matter of dangerous consequence, to leaue these considerations vndermined and at large. But who seeth not, that you do it out of pollicie, that you may vpon euerie particular occasion, declare such causes to be sufficient as you please?

How then doe you proue, that vpon anie cause, the people haue power to dispossesse their prince? This is plaine (you say) not onlie by the groundes before by you alleaged, but also by example of y<sup>e</sup> Romans & Græcians. The groundes by you alleaged, are two. One in your first Chapter, that because no one forme of gouernment is natural, the people haue power both to choole, and to change, and to limit it as they please. The other ground is in this Chapter; that because there are diuers lawes and customes in matters of principalitie, it sufficeth not to alleage bare propinquitie of blood.

Why; but had you no text of scripture, no Father of the Church to alleage? No lawe? No reason? No better example? No surer ground? It is more then this which you bring against your selfe, in citing out of Saint Peter<sup>1</sup>; *The Lord knoweth to reserve the vnjust vnto the daie of iudgement; and especially them that despise gouernment, and speake euill of those that are in dignitie.* And out of Saint Iude<sup>2</sup>: *Likewise these dreamers despise gouernment, and speake euill of them that are in authoritie.* Besides also, you haue alleaged out of Saint<sup>3</sup> Paule: *Let euerie soule be subiect vnto the higher power; for there is no power but of God: Whosoever therefore resisteth the power, resisteth the ordinance of God; and they that resist shall receiue to themselves iudgment.* And likewise out of S. Peter: *Submit your selues to euerie humane creature, whether*

1. 2. cor. 5. 10.

2. Iude. 8.

3. Rom. 7. 3.

1. 1. cor. 11. 13

whether it be to the king, or unto gouernors; for so is the will of God. To which places we maie likewise ad that, which S. Paule did write vnto Titus\*: Put them in remembrance that they be obedient to the principalities & powers. And writing to Timothy\*, he exhorteth vs also to praie for them, that we may leade vnder them a peaceable life.

\* Tit. 3. 1.

\* 1. Tim. 2. 1.

But perhaps you wil say, that the Apostles did not meane this of wicked princes. Trifler: the Apostles spake generallie of al: Saint, Peter\* maketh expresse mention of euil Lords. And what princes haue euer bin more either irreligious or tyrannical, then Caligula, Tiberius, Nero, the infamie of their ages, vnder whose empire the Apostles did both liue and write.

\* 1. Pet. 2. 18.

Bellarmino the great master of controuersies perceiving this to be vnanswerable true, did in another sort rather cut then vntie the knot: affirming\* that at that time it was necessarie to admonish the Christians to performe obedience to their kings, least the preaching of the Gospel might otherwise be hindred: which is as if in direct termes he should haue saide. Sir Kings: whilest our heads were vnder your girdle, we were content to curry fauour, by preaching obedience vnto the people: but now we haue got the wind of you; we must plainlie tel you, that you hold your crownes at their curtesie and fauour; and haue no power in effect, but as lieutenants general. I know you will make a sower face at this; it will go very much against your stomackes; but there is no remedie, you must take it down; they are your good lords; they may dispossesse you.

\* In tract. de ex-emp. clericorum.

Prophane Bellarmino: is Christian Religion a meere policie? doth it applie it selfe onlie to the pre-

sent? Doth it turne alwaies with the time? May the principal professors thereof say, as an infidel Moore did, whē he violated the faith which he had giuen vnto christians? *We haue no bone in our tongues that we cannot turne them which way we please.* We see plainlie that you say so: and it is as plaine, that it was far from the true meaning of the Apostles. S. Jude\* writeth sharpelie against those, who had mens persons in admiration *because of aduantage.* S. Paul also saith\*: *Goe I about to please men? If I should please men, I were not then the seruant of Christ.*

\* vcr. 16.

\* Galat. I. 10.

I wil giue you an example of another time. *Nabuchadnezzar* king of Assyria, wasted al Palestina; tooke Hierusalem; slew the king; burnt the Temple; tooke away the holy vessels and treasure: the residue he permitted to the crueltie and spoile of his vnmercifull soldiers; who defiled al places with rape, ruine and bloud. After the glut of this butcherie, the people which remained, he led captiue into Chaldaea, and there commaunded, that whosoever refused to worship his golden image, should be cast into a fire furnace.

\* ca. 39. y.  
\* ca. I. 11.

\* ca. 17.

What crueltie, what impietie is comparable to this? and yet the Prophets *Jeremiah\** and *Baruch\** did write to those captiue Iewes, to praie for the prosperitie and life of him, and of *Baltazar* his sonne, that their daies might be vpon earth as the daies of heauen: and *Ezekiel\** both blameth and threatneth *Zedechia*, for his disloyaltie in reuolking from *Nabuchadnezzar*, whose homager and tributarie he was. What answere wil you make to this example? I am wiselie busied to cast forth this question; what answere can you make, which your owne knowledg will



will not conuince?

Many other places there are in holy Scripture, whereby not onely our actions are tied to obedience; *He that doth presumptuously against the ruler of the people shal die*: but also our words, *Thou shalt not speake euill against the ruler of the people*: yea, our secret thoughts: *Detract not from the king, no not in thy thought; for the foules of the aire shall carie thy voice*.<sup>d Deut. 17. 12.</sup>  
The reason hereof is not obscure: Because princes are the immediat ministers of God<sup>e Exod. 12. 17.</sup>; & therefore he called *Nabuchadnezzar*, his seruant<sup>f A. 23. 5.</sup>; & promised him also hire & wages for the seruice which he did.<sup>g Ecclef. 10. 20.</sup> And the Prophet *Esay* calleth *Cyrus*, a prophane & heathen king, *the Lords: annointed*. For, as *Salomon* saith, *The harts of kings are in the hands of the Lord*: & he stirreth vp the spirit, euen of wicked Princes to do his wil: & (as *Iehoshaphat* said to his rulers) they execute not the will of man, but of the Lord.<sup>h Rom. 13.</sup>  
<sup>i Jerem. 25. 9.</sup>  
<sup>j Ezech. 29. 18.</sup>  
<sup>k cap. 35.</sup>  
<sup>l Prou. 21. 1.</sup>  
<sup>m 2. Chron. 16. 22.</sup>  
<sup>n 2. Chron. 19. 8.</sup>  
<sup>o Psal. 82.</sup>  
<sup>p 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.</sup>

In regard hereof *Dauid* calleth the gods<sup>q</sup>; whereof *Plato* also had some sense, when he said, *A king is in steed of god*. And if they do abuse their power, they are not to be iudged by their subiects, as being both inferiour and naked of authoritie: because all iurisdiction within their realme is deriued from the, which their presence only doth silence & suspend: but God reserueth them to the forest trial: *Horribly and sodainly* (saith the wise man) *will the Lord appeare vnto the, and a hard iudgement shal they haue*.<sup>r Sap. 6.</sup>

You lesuits do yeeld a blindfold obedience to your superiours, not once examining either what hee is, or what he doth commad: & although the Pope should swaue frō iustice, yet by the canons, men are bound to performe obedience vnto him, and God only may

<sup>q</sup> Extrazug. Vñ i  
sanctam. de maio.  
& obed.

iudge his doings: and may a king, the Lords Lieutenant, the Lords annointed in the view of his subiects, nay, by the hands of his subiects, bee cast out of state? May he, as was *Achaz*, be chased and wooried by his own hounds? Wil you make him of worse condition, then the Lord of a Manor? then a parish priest? then a poore schoolemaster, who cannot be removed by those that are vnder their authoritie and charge?

The law of God commandeth that the child should die, for anie contumely done vnto the Parents. But what if the father be a robber? if a murderer? if for all excesse of villanies odious & execrable both to God and man? Surely hee deserueth the highest degree of punishment; & yet must not the son lift vp his hand against him: for, as *Quintilian* saith, 'No offence is so great, as to be punished by parricide. But our country is dearer to vs then our selues': & the Prince is the father of our country: whose authoritie, as *Baldus* noteth\*, is greater then of parents: and therefore he must not be violated, how impious, how imperious sooner he be.

If hee commandeth those things that are lawfull, we must manifest our obedience by readie performing. If he inioine vs those actions that are euill; we must shew our subiection by patient enduring. It is God only who seateth kings in their state; it is he only who may remove them. *The Lord wil set a wise king over the people which he loveth*, as himselfe doth reuillie\*. And againe, *For the sins of the land the kings are changed*\*. As therefore wee endure with patience vnseasonable weather, vnfruitful yeares, & other like punishments of God; so must wee tolerate the imperfections of Princes, and quietly expect either

\* in declam.

\* Cic. offi. lib. 1

\* Pater patrie.

\* in L. seniam. C.

qui test. fa. poss.

\* 2. Chron. 1.

\* 1. Prou. 28. 2.

\* 2. Chron. 28. 6.

ther reformation, or els a change.

This was the doctrine of the ancient Christians, even against their most mortall persecuters. *Tertulian* saith<sup>2</sup>, For what warre are we not both seruiseable and readie; although unequal in number, who doe so willingly endure to be staine? neither want we strength of number: but God forbid, that religion should be maintained with humane fire. From him also *Saint Cyprian*, a most studious reader of *Tertullian*, as *Saint Hierome*\* noteth, in like maner writeth<sup>1</sup>: Although our people bee exceeding copious, yet it doth not revenge it selfe against violence; it suffreth. *Saint Augustin* saith<sup>3</sup>: It is a generall paction of humane societie to obey kings. Which sentence is assumed into the body of the canon law<sup>4</sup>. In a word, the current of the ancient fathers is in this point concurrent; in so much as among the all there is not one found, nor anie one; one is a small number; and yet I say confidently againe, there is not anie one, who hath let fall so loose a speech, as may be strained to a contrarie sense: How then are you of late become, both so active & resolute to cut in sunder the reines of obedience, the varie sinewes of government & order? Whence had *Benedetto Rallum*, a Iesuite, his warrant, to incite *William Parrot* to undertake the parricide of our Queene? whence did *Amiball Codretto*, another Iesuite, assure him, that the true Church made no question, but that the fact was lawfull? Whence did *Guignard*, a Iesuite, censure the butcherie of *Henry late king of Fraunce*, an hereticall act and a gift of the holy Ghost? Whence did he write of the king, who now there raigneth: If without armes he cannot be deposed, let men take armes against him; if by warre it cannot be accomplished, let him be murdered?

\* Apolog. 37.

\* de sacr. ec.

Tert.

\* Ad Demet.

\* Pactum socie-

tatis humanæ ge-

nerale regibus o-

bedire. Confes.

lib. 2.

\* Dist. 8. c. qui

contra.

red? Whence did *Ambrose Verade*, rector of the colledge of the Iesuits in Paris, animate *Barriers* (as he confessed) to sheath his knife in the kings breast; assuring him by the living God, that he could not execute anie act more meritorious? Whence did the commentter vpon the epitome of Confessions, otherwise the seventh booke of decretals, commend all the Iesuits in these termes <sup>d</sup>, *They set vpon tyrants, they pull the cockle out of the Lords fields?*

<sup>d</sup> Tyrannos ag-  
greduntur, lolum  
ab agro domini-  
co euellunt.

It is a rule in nature, that one contrarie is manifested by the other. Let vs compare then your boisterous doctrine with that of the Apostles, and ancient Fathers of the Church, and we shall find that the one is like the rough spirit, which hurled the heard of swine headlong into the sea; the other like the stil & soft spirit which talked with *Elias*.

<sup>e</sup> Matt. 8.  
<sup>f</sup> 1. Reg. 19.

Neither was the diuel euer able, vntil in late declining times, to possesse the hearts of Christians with these cursed opinions, which doe euermore beget a world of murders, rapes, ruines & desolations. For tel me, what if the prince, whom you perswade y<sup>e</sup> people they haue power to depole, be able to make & maintaine his partie, as *K. John* and king *Henry* the third did against their Barons? What if other princes, whom it doth concerne, as wel in honor, to see the law of Nations obserued, as also in policie, to breake those proceedings which may form precedents against themselves, do adioin to the side? what if whilst the prince and the people are (as was the frog and the mouse) in the heate of their encounter, some other potentate play the kite with them both; as the Turke did with the Hungarians? Is it not then a fine peece of policie which you doe plotte? or is it not a grosse error

errour to raise these daungers, and to leave the defence to possibilities doubtfull.

Goe too, Sir, goe too, there is no christian country, which hath not by your deuises ben wrapped in wanes. You haue set the empire on swim with blood: your fires in France are not yet extinguished: in Polonia & all those large countries, extending from the north to the east you haue caused of late more battels to be fought, then had ben in fully cet's before. Your practises haue heeretofore preuailed against vs: of late yeers you haue busied your selues in no one thing more, then how to set other christian princes on our necks, stirring vp such store of enemies against vs, as like the grasshoppers of Egypt, s might fill our houses, <sup>Exod. 10.</sup>

and couer our whole land, and make more doubt of roome then of resistance. Our owne people also you haue prouoked to vnnaturall attempts: you haue exposed our country as a pray, to them that will either invade or betray it, supposing belike that you play Christs part well, when you may say as Christ did,

*thinke not that I came to send peace. I came not to send peace but a sword.* But when by the power & prouidence <sup>Math. 10. 34.</sup>

of God, all these attempts haue rather shewen what good hearts you beare towards vs, then done vs any great harme; when in all these practises you haue mis- led the mark, now you doe take another, and haue using no hope by cunning or stratagem, you intend to excite your malice by going daungrous about. Now you goe about to compass vs with spies, which is the greatest mischief that can fall upon a state.

You pretend faire shewes of libertie & of power. See howe daungers & howe sorowes this cannot but suspect

the court ofes of our enemies: the power which you graue vs will pull vs downe; the libertie whereof you speake will fence vs in bondage. When *The* *Perſian* came to the *Perſian* court, *Artabanus* capitaine of the guard, knowing that he would win no ſeruants to ſuch king, kept him out of preſence; and ſaid vnto him, you Grecians giſt me vs barbarous, for honouring our kings; but we *Perſians* eſteeme it the greateſt honour to vs than can be. The like anſwer will we giue vnto you. You ſeitis account it a bondage to be obedient vnto kings; but wee *Chriſtians* account it the greateſt meanes for our continuance both free and ſafe. *Amirans* ſubmits to ſuch ſeruitude, and yet

To the third Chapter, which

as entitled

Of the great reverence and respect due to kings, and yet how dis-  
honors of them, have ben lawfully classified by their common  
wealths for their misgovernment, & of the good &  
prosperous success of the God commonly hath  
granted to the good, and made much to them  
putting back of an answer to  
this pretender.



That princes may bee chastised  
by their subjects, your proofes  
are two: one is drawn from  
certaine examples; the other  
from the good successe and suc-  
cessors which vniuersitie haue fol-  
lowed. Surely it cannot be but  
that



that you stand in a strong conceite, either of the authoritie of your word, or simplicitie of our iudgement; otherwise you could not bee perswaded, by these slender threds to draw any man to your opinion. Of the force of examples I haue spoken before; there is no villanie so vile which wanteth example. And yet most of the examples which you doe bring, are either false, or else impertinent.

For there haue beene diuers states, wherein one hath borne the name & title of king, without power of Maiestie. As the Romanes in the time of their consular estate, had alwaies a priest, whom they entitled king, whose office consisted in certaine ceremonies & sacrifices, which in former times could not be performed but by their kings. Likewise the Lacedaemonians, after *Licurgus* had formed their government retained two kings, who had no greater stroke in matters of state, then a single voice as other Senators. Such were in *Casars* time many petty kings of Gaule, who (as *Ambiorix* king of *Leige* confessed) were subiect to their Nobilitie, & iusticeable by them. Such are now the Emperours of Almaine; because the puissance & Maiestie of the empire pertaineth to the states, who are sworne to the empire it selfe, and not to the person of the Emperour. Such are also the Dukes of Venice, the soueraignetic of vvhich state is settled in the gentlemen. In these and such like gouernments, the Prince is not soueraigne, but subiect to that part of the common wealth, which retaineth the royaltie and maiestie of state, whether it be the Nobilitie, or common people: and therefore your examples drawn from them is nothing to our purpose.



pſal. 73.

Ca. 12. 1.

Concerning successe, it cannot bee strange vnto you, that by the secret, yet iust iudgement of God; diuers euill actions are carried with apparence of good successe. The Prophet *David* said, that his treadings had almost slippt, by seeing the wicked so flourish in prosperitie: the prophet *Jeremiah* seemed also to stagger vpon this point. & it hath alwaies bene a dangerous stone in the way of the godly, wherewith manie haue stumbled, and some fallen.

in Alexand.

Besides, it ordinarily happeneth that good princes succcede tyrants; partly because they are so indeede, as being instructed to a better mannage of gouernment, both by the miserable life of their predecessors, and by the ougly infamie which remaineth after their death: partly because by meanes of the comparison they both seeme, and are reported to bee farre better then they are. Heerevpon *Lampridius* saith of *Alexander Seuerus*: *I may also say, that Alexander was a good Prince by feare. for that Heliogabalus his predecessor was both an euill prince, and also massacred and slaine.* Seing therefore the reason is so manifest, wherefore good princes should succcede tyrants, is it not rashnesse: is it not impudencie? is it not impietic for vs to wade with vncleane feete into Gods secret counsells, vnknowne to the Angells, and to iustifie vpon this euent the paricide of any prince? For my part, I know not whether you shew your selfe more presumptuous in entering into this obseruation, or in pursuing it more idle and impure.

I will passe over your protestation of respect, and obedience due vnto Princes: protest what you please, wee will take you for no other then a vile kinde

kinde of vermine, which, if it bee permitted to creepe into the bowels of any state, will gnaw the hart strings thereof in sunder. This you manifest by the course comparison which presently you annexe, that as a naturall body hath authoritie, to cure the head if it be out of tune, and reason to cut it off oftentimes, if it were able to take another; so a body politick hath power to cure or cut off the head, if it be vn-sound. But what either will or power hath any part of the body in it selfe? what either sence for the one, or motion for the other, which proceedeth not altogether from the head? where is the reason seated which you attribute to the body, both in iudging and curing the infirmities of the head? Certaine it is, that in your cutting cure you deale like a foolish phisition, who finding a body halfe taken and benumbed with a palsie, cutteth off that part to cure the other, and so make sure to destroy both. You suppose belike that to enter into greater perills, is the onely remedie of present dangers. I omit to presse many points of this comparison against you, because comparisons do serue rather to illustrate then inforce: and I know not what assertion you might not easely make good, if such sencelesse prating might goe for prooffe.

I come now to your particular examples, wherof the first is of King Saule, whom you affirme to be de-  
 priued and put to death for his disobedience. *Saule*  
*deprived and put to death?* I neuer heard that any  
 of his subiects did euer lift vp one thought against  
 him. Dreamer, you will say, hee was slaine by the  
 Philistines: good; but who deprived him? it was  
 God (you say) who did deprive him? You must

pardon vs if vpon the sodaine wee doe not conceiue the millerie of your meaning: your words of depriuation and putting to death, doe rather import a iudiciall proceeding against him, the that God deliuered him to be vanquished, by his enemies in the field. But vwhat is this to dispossessing by subiects? yes, you say, because vwhat soeuer God hath put in vre in his common vwealth, may be practised by others. Why, but then also good princes may be deposed by their subiects; because God deliuered *Iosab* to be slaine by the *Egyptians*.

2 Apoc. 6. 4.

ep̃sa. 105. 1. reg  
24.

You firebrands of strife, you trumpets of sedition, you red horses vvhose sitters haue taken peace from the earth, d how impudently doe you abuse the scriptures? how doe you defile them vvith your filthie fingers? It is most certaine that *Dauid* knew, both because *Samuel* tould him, and because he had the spirit of prophesie, that God had reiected *Saul*, and designed him to be king in his place: yet his doctrine was alwaies, not to touch the Lords anointed, wher to his actions vv ere also answerable. For vvhen *Saul* did most violently persecute him, he defended himselfe no otherwise then by flight. During this pursuit, *Saul* fell twice in to his power; once he dyd not onely spare but protect him, and rebuke the pretorian soldiers for their negligent vvatch: the other time his hart did smite him, for that he had cut away the lappe of his garment. Lastly, he caused the messenger to be slaine, vvho vpon request, and for pittie, had furthered (as he said) the death of that sacred King. Wee haue a precept of obedience, vv hich is the mould vvherein vvee ought to fashion our

our actions. God onely is superiour to princes; vvhovseth many instruments in the execution of his iustice, but his aucthoritie he hath committed vnto none.

Your second example is of king *Amon*, vvhovvas flaine (as you verifie) by his owne people; because he vvalked not in the vvayes of the Lord. This is somewhat indeed if it be true; let vs turne to the text. *Amon was xxii. yeeres old when he began to reigne &c. and he did euill in the sight of the Lord &c. and his seruants conspired against him, & slew him in his house, and the people smote all those who conspired against king Amon, and made Josiah his sonne king in his stead.* But this is very different from that which you report: *Amon* was flaine by his seruants, and not by the people; who wereso far from working, that they seuerely reuenged his death. And although *Amon* was euill, yet this scripture laies not his euill for the motiue wher vpon his seruants slue him. The diuell himselfe in alleaging the scripture, vsed more honestie & sinceritie (if I may so terme it) then you: for he cited the very vvords, vvresting them onely to a crooked sence: but you change the vvords of the Scripture; you counterfeite Gods coine, you corrupt the recordes vvwhich he hath left vs. I will now shake of all respect of ciuilitie towards you, and tell you in flat and open termes; that as one part of your assertion is true; that good Kings succeeded *Saul* and *Amon*; so the other part, that either they vv ere, or in right could haue bene depriued and put to death by their subiects; it is a sacrilegious, a logger-headed lye.

of

Of your example of Romulus I haue spoken before. I haue declared also how the Romanes, presently after the expelling of their kings, & for that cause, were almost ouerwhelmed with the weight of warre, being beaten home to the very gates of their citie. And had not *Choles* by a miracle of manhood sustained the shock of the enemies, whilst a bridge was broken behind him, the towne had bene entred and their state ruined. And wheras you attribute the enlargement of the empire, which happened many ages after, to this expelling of their kings, you might as well haue saide, that the rebellion against king *Iohn* was the cause of the victories which wee haue since had in France. I haue before declared, that the state of the Romanes vnder their consulls, was popular, rather in shew, then in deede: this shew began also to end, when by the law *Kalpis*, *L. Sylla* was established dictator for foure and twentie yeares. After this, the empire did mightely encrease vntill the reigne of *Traianus*; at which time all authors agree that it was most large; and yet far short of your wandring suruey, not halfe fiftene thousand miles in compasse.

In your example of *Cæsar*, I notice sawe many vntruthes crowded together in fewer words: you say he brake all lawes, both humane and diuine: that is one; his greatest enemies did giue of him a most honorable testimonie. You say he tooke all government into his hands alone: that is two; the people by the law *Servius* elected him perpetual dictator. You make his death to be an act of the state: that is three; for they who slew him, were both declared & punished by decree of the state for publicke enemies; of whom  
not

not any one, either died a naturall death, or liued three yeeres after; it was further decreed, that the court where he was slaine should be stopped vp, that the Ides of March should be called *parricidium*; & that the Senate should neuer be assembled vpon that day. You say that *Augustus* was preferred in his place: that is foure; and all within the compasse of fixe lines.

*Augustus* was neuer chosen dictator; *Suetonius* writeth that hee entreated the people vpon his knee, not to charge him with that office. But *Augustus*, *Antoninus* and *Lepidus* did first knit in armes by the name of *Triumviri*, to reuenge the death of *Iulius Caesar*; wherevpon a long cruell and doubtfull warre was set vp, which continued the space of xx. yeeres; first, betweene these three, and the murtherers of *Caesar*; then, betweene *Lepidus*, and the other two; lastly betweene *Augustus* & *Antoninus*: and this was the sweet successe of the murther of *Caesar*.

<sup>a</sup>In Augusto.  
genu nixus  
dictaturam  
deprecatus est;

*Augustus*, after his victorie was made perpetuall tribune, as *Suetonius* hath written <sup>b</sup>*Dio* saith, that he was freed from the power of the lawes; as *Pompeie* also had beene before him. *Tacitus* addeth, that the people hauing their hearts broken with broiles, permitted him to rise into rule, and to draw by degrees the whole authoritie of the state into his handes.

<sup>a</sup>In August.  
<sup>b</sup>Si uult uisum  
dedit et tunc  
dixit: Augustus  
lib. 53.  
<sup>c</sup>in proam.

And so it seemeth that the royall law was not yet established, by which the people gaue ouer their power in government: wherevpon some make good the sentence which the Senate gaue against *Nero*; because the soueraigntie was not then by any expresse act settled in the Emperour.

<sup>d</sup>Lex regia.

But where you bring the succession of *Vespasian* as



a good successe of this sentence against *Nero*, it is a vvilde and witlesse vntruth. *Galba* succeeded next after *Nero*, who was slaine in a sedition raised by *Otho*. *Otho* againe was ouercome in field by *Vitellius*, wher-vpon hee slue himselfe. Lastly, *Vitellius* was overthrowne and slaine by the Captaines of *Vespasian*, who was the fourth Emperour after *Nero*. These intestine warres, these open battailes fought to the full, this slaughter of Emperours, which you terme interludes, vv ere the immediate successe after the death of *Nero*. You furies of hell, whose voices are lightening and thunder, vv hose breathing is nothing but sword, fire, rages and rebellions: the encountring of armies, the butcherie of millions of men, the massacre of princes, you accompt enterludes: These are your pleasures, these your recreations. I hope all christian common vv ealthes vv ill beare an eye ouer your inclination, and keepe out both your persons and perswasions, from turning their state into an open stage for the acting of these enterludes.

You continue your base bouldnesse in affirming, that the senate procured the death of *Domitian*; that they requested the soldiers to kil *Heliogabalus*; that they inuited *Constantine* to come & doe iustice vpon *Maxentius*: this broken kinde of disguising is familiar vnto you, to make such violencies as haue often preuailed against excellēt princes, to seeme to be the act of the vv hole state. And vv heras you bring the succession of *Alexander Seuerus* for a good successe of the murder of *Heliogabalus*, being the rarest prince (you say) that euer the Romanes had; you might haue alleaged any author in prooffe thereof better then *Herodian*, vv ho  
vvri-



vvriteth of him in this manner.<sup>m</sup> *Alexander did beare*<sup>m</sup> lib. 6.  
the name and ensignes of the empire; but the administration  
of affaires & government of the state did rest upon women:  
And further he vvriteth that by his slacknesse and  
cowardice, the Romane Armie vvvas defeated by  
the Persians; & finally, that for his vvwant of courage, he  
vvvas slaine by his owne soldiers. By this vve may see  
that you goe blindfold, being so far from caring, that  
many times you scarce know vvhat you vvright.

Your markable example (as you terme it) of y change  
of the empire, frō the west to the east; frō *Cōstantin* the  
sixt, to *Charles* king of France, doth mark out nothing  
mōre vnto vs, then your solidred iudgemēt. The que-  
stio is not what one forren prince may do against ano-  
ther, but what subiects may do against their soueraign:  
this is the point of cōtrouersie, heete you must chōse,  
and not trauerse about in discourles impertinene.

The change of the kingdome of France from *Chil-  
deric* to *Pepin*, your owne author *Girard* affirmeth to  
be, both an ambitious & fraudulent vrsurpation, wherein  
*Pepin* vsed the reuerēce of religiō as a mantle to couer  
his impietie & rebelliō. The matters which he object-  
ed against *Childeric* were two, first, his insufficiēcie, the  
ordinarie pretence of most rebellions; but *Girard*,  
° saith, that the auncient custome of the French was,  
to loue & honor their kings, whether sufficient or vn-  
able, worthie or weake; & that the name of king vvvas  
esteemed sacred, by whomsoever it was borne. Se-  
condly he objected, that his subiects were condicio-  
nally sworne vnto him; & this also *Girard* writeth to  
be a forced and cautelous interpretation, violently  
streining the words of their oath to his aduantage:  
and in deede, if the oath of the people had ben con-

<sup>n</sup> lib. 1. de  
l'estat de  
France.

<sup>o</sup> Ibidem.

ditionall, what needed they to procure a dispensation for the same? This vvas the first act (saith he) whereby the popes tooke occasion to set in their foot of authoritie, for transporting of kingdoms from one race to another: which growing to strength, hath filled all christian countries with confusion and tumult.

Likewise the change of that kingdome from the line of *Pepin* to the line of *Capet*, vvas a meere violence & intrusion, & so vvas it acknowledged by *Eudes* earle of *Paris*, the first of that family vvhich did vsurp: & for that cause he was constrained after two yeares reigne, to quit the crowne, & to giue place vnto *Charles* the lawfull heire. And vvhien *Robert*, brother vnto *Eudes*, did enter into armes to recouer that vvhich his brother once held, he vvas beaten downe and slaine by the faithfull subiects of king *Charles*. *Hugh*, the sonne of *Robert* nourished this ambition: But *Hugh Capet* his sonne vvith better both opportunitie & successe, but no better right, did accomplish the enterprife. For *Girard* calleth him an vsurper, & *Charles* duke of *Lorraine* the true heire to the crowne. Between these two (as in all vsurpations it is vsuall) vvar vvas raised; but by the vnsearchable iudgement of God the duke of *Lorraine* vvas cast to the ground. And there is little doubte, but, if he had preuailed, *Lorraine* had bene at this day a member of the crowne of France.

¶ Fo: 98. de l'istate.

The like answer may be giuen to your example of *Swintilla*; & this beside, that the kingdom of the *Gothes* in *Spaine*, vvas not then settled in succession, & chiefly during the reigne of *Victoric*, *Gundemir*, *Sisebuth*, *Swintilla*, *Seenand*, *Cinthilla*, and *Tulca*.

The historie of *Alphonso*, another of your examples

ples, standeth thus. *Alphonso* had a sonne called *Ferdinand*, who died during the life of his father, & left two yong sons behinde him. After the death of *Ferdinand*, his yonger brother *Sancho* practised with *D. Lope Diaz de Haro* Lord of Biscay, to procure him to be aduanced to the successiō of the kingdom, before his nephewes. *D. Lope* vndertoke the deuise; & drawing some other of the nobilitie to the partie, they so wrought with the king, that in an assembly of the states at *Segouia*, *Sancho* was declared successor, & the childrē of *Ferdinand* appointed to be kept in prison. But *Sancho*, either impatient to linger in expectatiō, or suspicious that his father grew inclinable towards his nephewes, made league with *Mahomed Mir*, king of *Granada*, a *Moore*; by whose ayde, & by the nobilitie of his faction, he caused him selfe to be declared king. Heerevpon, *Alphonso* was enforced to craue assistance of *Iacob Aben Ioseph* king of *Maroco*, who before had bene an enemy to *Alphonso*: but vpon detestatiō of this vnnatural rebelliō, he sent forces to him, protesting notwithstanding that so soone as the war should be ended, he wold become his enemy againe. So *Alphonso* by help, partly of the *Marocco* Moores, & partly of his subiects which remained loyal, maintained against his sonne both his title & state during his lyfe, but not without extremitie of bloodshed; & opportunitie for the Moores, being assistāt to both parties, to make themselues more strong within the countries of Spaine. For this cause *Alphonso* disinherited his sonne by his testament, and cast a cruell curse vpon him & his posteritie: & afterward it was ordeined in an assembly of the states holden at *Tero*, that the childrē of the elder brother deceased, should

be preferred before their vncle.

How then will you verifie your two points by this historie? First, that *Alphonso* was depriued by a publick act of parliament: secondly, that it turned to the great comoditie of the state. It is not a milliō of *Masjes* that are sufficiēt to satisfie for all your deceitful & malicious vntruthes. I meruaile how the rebellion of *Absolon*, against king *Dauid* his father escaped you: Oh; it wanted successe; & you could not so easily disguise the report.

You write that the common wealth of *Spaine*, resolving to depose *D. Pedro* the cruell, sent for his brother *Henry* out of france, & required him to bring a strength of frenchmen with him: but hereby you make it plain, that the common wealth was not fully agreed. The truth is, that this was a dangerous deuisiō of the state, between two concurrents; some holding for *Henry*, & some for *Pedro*. *Henry* obtained forren assistance by the french, *Pedro* by the english. In the meane time, whilst *Peter* was thrown out of state by the forces of france, & after that *Henry* by the armes of england; & againe *Peter* deiected both from dignitie and life by his brother *Henry*, the poore country became a spectacle for one of your enterludes.

Your example of *Don Sancho Capello* king of Portugal, containeth many intollerable vntruthes. For neither was he depriued of his dignitie, neither did the Pope & counsell of *Lions* giue either authoritie or consent that he should be depriued; neither was he driven out of his realme into *Castilla*; neither died he in banishment; neither was *Alphonso* his brother king during his life. These fīue vntruths you huddle into one heape. The counsaile of *Lions* wholly opposed against the deposing

sing of *Don Sancho*, notwithstanding many disabilities were objected against him: in regard wherof they gaue directiō, that *Alphonso* his brother should be regent of the realme; as in that case it is both visuall & fit. But *Sancho* taking this to dislike, did seeke aide of the king of *Castile*; & in that pursuite ended his life without issue: wherby the right of succession deuolued to *Alphonso*.

To your examples of greeke Emperours, I will answer by your words; which are; that for the most part <sup>cap. 5 pa. 84</sup> they came not orderly to the crowne, but many times the meanes thereof were tribulent and seditious.

The deposing of *Henry* king of Polonia, I acknowledge to be both true & iust; I haue nothing to except against it. When the crowne of France did descend vnto him, he forsooke Polonia, & refused to return again to that swaggering gouernment, wherevpon they did depose him. Giue vs the like case, & you shal be allowed the like proceeding; but you esteeme your examples by tale & not by touch: being not much vnlike a certaine mad fellow in Athens, who imagined euery ship which was brought into the hauen to be his: for vwhatsoever you finde of a king deposed, you lay claime vnto it, as both lawfully done, and pertayning to your purpose, whereas one of these doth alwaies faile.

Concerning your two examples, one of *Sueden*, and the other of *Denmarke*, I shall haue occasion to speake hereafter. The nobility of those countries pretēd, that their kings are not soueraigne, but that the power in highest matters of state pertaineth vnto them. If it bee thus, the examples are not appliable to the question, if it be otherwise, then the princes had wrong.

Wee are come now to our domesticall examples; the first whereof is that of king *John*, who was deposed by the Pope, you say, at the suite of his owne people. All this people was the Archbishop of Cant. the bish. of London, and the bish. of Ely; at whose cōplaint, the Pope did write to *Phillip* king of France, that hee should expell king *John* out of his realme. If not conscience, if not ordinarie honestie, pure shame should haue drawen you to another forme of writing. Hee was also depriued (you say) afterwards by his Barons. Heavy beast; call you this a deprivation? The commons were neuer called to consent; the Clergie were so opposite to those that stood in armes against king *John*, that they procured excommunication against them: first generally; then by name; lastly, *Lewes* the French kings sonne was also included: of the Nobilitie, which is onely the third state of the realme, I make no doubt but some reserved themselves to bee guided by successe, others, and namely the Earles of *Warren*, *Arundell*, *Chester*, *Pembrooke*, *Ferrers*, *Salisbury*, and diuers Barons did openly adhere vnto king *John*; you may as well call any other rebellion a deprivation, as affirme that the rest either did or might depriue him. And whereas you bring in king *Henry* the third, as a most worthie successor after this deprivation; I will derogate nothing from his worthinesse: but there was neuer king in England, who without concurrent in the title of the crowne, did draw more bloud out of the sides of his subjects.

Your second example is of king *Edward* the second



cond, whom many of our histories report to bee of a good and courteous nature and not vnlearned; imputing his defectes rather to Fortune, then either to counsell or carriage of his affaires. His deposition was a violent furie, led by a vvife, both cruell & vnchast; & can with no better countenance of right be iustified, then may his lamentable both indignities and death, vvhich therupon did ensue. And although the nobilitie, by submitting theselues to the gouernment of his sonne, did breake those occasions of wars which doe vsually rise vpon such disorders, yet did not the hand of God forget to pursue reuenge. For albeit king *Edward* his son enioyed both a long & prosperous raig, yet his next successor king *Richard* the second, was in the like violent manner imprisoned deprived & put to death. I will prosecute the successiue reuenge which heereof also ensued, being a strange matter, & worthie to be rung into the eares of all ages. King *Henry* the fourth, by whom king *Richard* was deposed, did exercise the chiefest acts of his raig, in executing those who conspired with him against king *Richard*. His son had his vertue well seconded by felicity; during whose raig, by meanes of the wars in France, the humour against him was otherwise imployed & spent: but his next successor king *Henry* the sixth was in the very like manner deprived, & together with his yong son *Edward* imprisoned and put to death by king *Edward* the fourth. This *Edward* died not without suspicie of poison; & after his death, his two sons were in like manner disinherited, imprisoned & murthered by their cruell ynkle, the duke of Gloucester, who being both a tyrant and vsurper, was iustly encountered and slaine, by king



Henry the seventh, in the field. So infallible is the law of iustice in reuenging cruelties and wrongs, not alwaies obseruing the presence of times wherein they are done, but often calling them into reckoning, whe the offenders retain least memorie of them.

Likewise the deposition of king Richard the second was a tempestuous rage, neither led nor restrained by any rules of reason or of state; not sodainely raised and at once, but by very cunning and artificiall degrees. But examine his actions without distempred iudgement, & you will not condemne him to be exceeding either insufficient or euill: weigh the imputations that were objected against him, and you shall find nothing either of any truth or of great moment.

<sup>in Richard. 2.</sup>

Hollingshead writeth, that he was most vnthankfully vsed by his subiects; for although, through the frailtie of his youth, he demeaned himselfe more dissolutely, then was agreeable to the royaltie of his estate, yet in no kings daies, the commons were in greater wealth, the Nobilitie more honoured, and the Clergie lesse wronged: vwho notwithstanding in the euill guided strength of their will tooke head against him, to their owne headlong destruction afterward: partly during the reign of king Henry, his next successor, whose greatest atchiuements were against his owne people; but more especially in succeeding times, whe upon occasion of this disorder, more english blood was spent, then was in all the forren wars which had ben since the conquest. Three causes are commonly insinuated by you, for which a king may be deposed; tyranny, insufficiencie, & impietie; but what prince could hold his state, what people their quiet assured, if this your doctrine should

should take place: how many good princes doth en-  
 uie brand with one of these markes: what action of  
 state can be so ordred, that either blind ignorance or  
 set mallice wil not easely straine to one of these heads:  
 euery execution of iustice, euery demand of tribute  
 or supply shall be claimed tyrannie: euery infortunate  
 euent shall be exclaime'd insufficiencie: euery kind of  
 religion shall by them of another sect, be proclaimed  
 impietie. So dangerous it is to permit this high power  
 to a heedlesse and headlesse multitude, who measure  
 things, not by reason and iustice, but either by opi-  
 nion, which commonly is partiall, or else by report,  
 which vsually is full of vncertainties and errors: the  
 most part doing because others doe, as easie to be-  
 come slavish to any mans ambitious attempt. So dan-  
 gerous it is to open our eares to euery foolish Phaeon,  
 who vndertaking to guid the chariot of the Sun will  
 soone cast the whole earth into combustion.

You proceede that king *Henry* the sixth was also  
 deposed for defectes in gouernment: Let vs yeeld  
 a little to you, that you may bee deceiued; a little  
 that you may be carried by your affections, how can  
 you excuse these open vntruthes, wherein it cannot  
 bee but the diuell hath a finger? you cannot bee ig-  
 norant, that the onely cause which drew the familie  
 of *Yorke* into armes against king *Henry*, was the ritle  
 which they had vnto the crowne: by vertue whereof  
 it was first enacted, that *Richard* duke of *Yorke* should  
 succeed king *Henry*, after his death: but for that hee  
 made vnseasonable attempts, he was declared by par-  
 lament incapable of succession, and afterwards slaine  
 at the battaile of *wakefield*.

Then *Edward* his sonne, prosecuting the enterprise, & hauing vanquished king *Henry* at the battaile of *Slabons*, obtained possession of the state, caused king *Henry* to be deposed, and himselfe to be proclaimed & crowned king. Afterward he vvas chaled out of the realme, and by act of parliament both deprived and disabled from the crowne. Lastly he returned againe; and deprived king *Henry* both from gouernment & from life. It is true, that some defects vvere objected against king *Henry*; but this was to estrāge the hearts of the peple frō him. The main cause of the war did proceed, frō the right of the one partie, & possessiō of the other: The contrarietie of the acts of parliament vvas caused, by the alternatiue victories of them both.

Your last example is of king *Richard* the third, of yvhom you vvright; First, that although he sinned in murthering his Nephewes, yet after their death hee vvas lawfull king: Secondly, that he was deposed by the common wealth, who called out of France *Henry* earle of *Richmond*, to put him downe, Philosophers say that dreames doe commonly arise, by a reflection of the phantasie vpon some subiect, wherof we haue meditated the day before. It may be y your drowlie conceit vvas here cast into a dreame, of that vvhich is had doxed in all this chapter. Or at the best, that you are like vnto those, vvho haue so often tould a lie, that they perswadethemselues it is true. King *Edward* the fourth left other children besides those that were mutthered; the duke of *Clarence* also, vvho vvas elder brother to king *Richard*, Iesuissue in life, all vvich had precedence of right before him. And as for the second point, tell mee I pray you, by vvhat parliament vvas

was king *Richard* deposed: vvhier did the states assemble: vvhien did they send for the earle of *Richmond* to put him downe: by what decree? by vvhich messengers? Ther is no answer to be made, but one; and that is, to confesse ingenuously, that you say vntue; & that it is your vsuall manner of deceiuing, to impute the act of a few vnto all; & to make euery euent of armes, to be a iudicial proceeding of the common wealth. For it is manifest, that the earle of *Richmond* had his first strength from the king of France; & that after his descent into England, more by halfe, both of the nobilitie & common people did stand for king *Richard*, then stirre against him. You adioyne for a speciall consideration, that most excellent princes succeeded these vvhom you affirme to be deposed. I will not extenuate the excellencie of any Prince; but I hold it more worthis to be considered, that these disorders spent England a sea of blood.

In the ende you conclude, that all these deprivations of Princes vvere lawfull. Nay; by your fauour; if you sweat out your braines, you shall neuer euince, that a fact is lawfull because it is done. Yes (you say-) for othervvise two great inconueniences vwould follow; one, that the actes of those that vvere put in their place, should be voide and vniust: the other, that none vvho now pretend to these Crownes, could haue any tytle, for that they descend from them, vvho succeeded those that were deprived.

You deserue now to be basted with words vvell stipped in vineger and salt: but I will be more charitable vnto you, and leaue bad speeches to black mouthes.



## To the fourth Chapter which beareth tytle,

Wherein consisteth principally the lawfulnessse of proceeding against Princes, which in the former Chapter is mentioned, What interest Princes haue in their subiects goods or liues; How oathes doe binde or may bee broken, of subiects towards their Princes; and finally the difference betweene a good king and a tyrant.

**B**Efore you close with *Billage* vpon two points; first, whether a king is subiect to any law; Secondly, whether all temporalities are in proprietie the Kings: but because these questions doe little pertaine to our principall controversie, I will not make any stay vpon them; it suffiseth that we may say with *Seneca* *Omnia rex imperio possidet, singuli domino*: The king hath empire, euery man his particular propriety in all things. De beneficiis lib. 7. ca. 5.

After this, you proceede further to make good, that the Princes before mentioned were lawfully deposed; and that by all law, both diuine and humane, naturall, nationall and positiue. Your cause is so hard, that you haue need to set a bould countenance vpon it. But what diuine lawes doe you alllege? You haue largely beefore declared (you saye) that GOD doth approoue the forme of gouernment which euery common wealth doth choose,

as also the conditions and statutes which it doth appoint vnto her prince. I must now take you for a naturall lyer, when you wil not forbear to bely your selfe: you neuer proued any such matter; & the contrary is euident, that sometimes entire governments; often, customes & statutes of state; & very commonly accidentall actiōs, are so vnnaturall & vniust, that (otherwise then for a punishment and curse) wee cannot say that God doth approve the. We haue often heard that the Church cannot erre in matters of Faith; but that in matter of gouernment a comon wealth cannot erre, it was neuer (I assure my selfe) published before.

But let vs suppose (supposall is free) that God alloweth that forme of gouernment which euery common wealth doth choosc: doth it therfore follow that by all deuine lawes princes may be deposed by their subiects? these broken pceces will neuer bee squared to forme strong argument. But wherefore doe not you produce the deuine canons of scripture? surely, they abhorre to speake one word in your behalfe: yea, they doe give expresse sentence against you, as I haue shewed before.

Well let this passe among your least escapes, in making God either the author or aider of rebellio: you alledge no other humane law, but that princes are subiect vnto law and order. I will not denie but ther is a duty for princes to performe: but how proue you that their subiects haue power to depose them if they faile? In this manner: As the common wealth gaue them their authoritie for the common good, so it may also take the same away, if they abuse it. But I haue manifested before; both that the people



ple may so graunt away their authoritie that they cannot relume; & also that few princes in y<sup>e</sup> world hold their state by graunt of the people. I will neuer heereafter esteeme a mans valure by his voice: Your braue boast of all lawes, diuine, humane, naturall, nationall and positue, is dissolued into smoake: you busie your selfe as the Poets wright of *Morpheus*, in presenting shadowes to men a sleepe.

But the chiefeest reason (you say) the very ground and foundation of all. Soft: what reason? what ground? if you haue already made prooffe by all lawes, humane and deuine, naturall, nationall and positue, what better reason? what surer ground will you bring? Tush: these interruptions. The chiefeest reason (you say) the very ground and foundation of all is, that the common wealth is superiour to the prince, and that the authoritie which the prince hath, is not absolute, but by the way of mandate and commission from the common wealth.

This is that which I expected all this time: you haue hetherto approached by stealing steps, you are now come close to the wall, do but mount into credit and the fort is your owne. You affirmed at the first, that princes might be deposed for disabilitie, then, for misgouernment; now, vpon pleasure and at will. For they who haue giuen authoritie by cōmission, doe alwaies retaine more then they graunt; & are not excluded either frō commanding or iudging, by way of preuention, concurrence, or excoation; even in those cases which they haue giuen in charge. The reason is declared by *Platō*: because hee to whom iurisdiction is committed representeth his person who gaue commission, and not

d. c. dudum. de  
præb. lib. 6.

1. iudicium  
soluitur. D. de  
iudic.

1. solet. de  
iurisd.

sin l. vlt. de  
jurisd.  
hinc. pastora-  
lis de off. ord.  
in c. cum ec-  
clesiarum. eo.  
in d. iudi-  
cium.

his owne. Herevpon Alexander<sup>2</sup>, Panormitane<sup>2</sup>, Innocen-  
tius, and Felinus<sup>1</sup> doe affirme, that they may cast their  
commissioners out of power when they please, be-  
cause as Paulus saith<sup>2</sup>; *a man can iudge no longer, when  
he forbiddeth who gave authoritie.*

Further, all states take denomination from that part  
wherin the supreme power is settled; as if it bee in one  
prince, it is called a monarchie; if in many of highest  
rank, then it is an aristocracie; if in the people, then a  
democracie. Wherypon it followeth; if the people are  
superiour to the prince, if the prince hath no power  
but by commission from them, that then all estates are  
populare: for we are not so much to respect who doth  
execute this high power of state, as from who imme-  
diately it is deriued. Hereto let vs ad that which you  
haue said in another place<sup>1</sup>; that in popolare govern-  
ments there is nothing but sedition, trouble, tumults,  
outragies & iniustices vpon euery light occasiō; & ahe  
we shall perceiue, first, that you want the art of a wise  
deceiuer, not to be entangled in your tale; secondly,  
that this is meere poison, which the diuell hath dropt  
out of your pen, to infect christian cosurries with diso-  
bedience & disorder. In a word, to the contrary of this  
your impudent vntruth, our laws do acknowledge su-  
preme authority in the prince within the realme & do-  
minions of england<sup>2</sup>, neither can subiects beare the-  
selues either superior or equall to their soueraigne, or  
attempt violence either against his perso or estate, but  
as well the ciuill law<sup>2</sup>, as the particulare lawes & cu-  
stomes of all countries do adiudge it high & hainous  
treasō. I will speake now without passion, what reason  
haue we, to accept your idle talk for a kind of authori-  
tie

capto.

1. El. 1.

1. j. d. ad l. Iul.  
maiest.

ry, against the iudgement & lawes of most nations in the world:

You proceede that the power of a prince is giuen to him by the common wealth, with such conditions & exceptions, as if the same be not kept, the people stand free. That the prince receiue his power vnder plain conditions, you go about to proue afterward: now you hold on, that in all mutual contracts, if one side recede from promise, the other remaineth not obliged: & this you proue by two rules of the law. The first is; *he doth in vaine require promise to be kept of another man, so whom he refuseth to performe that which he promiseth: the other is* *a man is not bound to performe his oath, if on the other part, that be not performed, in respect whereof he did sweare.*

Poore fellow, had you been as conuerfant in the light of law, and cleere course of iustice, as you are in the smoake & dust of some corner of a colledge, you wold neuer haue concluded so generally so confidently vpon any of the rules of law, which are subiect for the most part, vnto many exceptions. *Alexander* & *Felinus* doe assigne siue fallencies vnto these rules: *Secundus* giueth the contrarie rule: *to him that breaketh his faith or oath, faith ought to be kept, & the* restraineth it with seauē limitations. But all affirme, that in those offices which are mutuall between any persons, by the law of nature or of God, as between the father & the child, the husband & the wife, the master & the seruant, the prince and the subject, although the same be further assured by promise or by oath, the breath of duty in the one, is no discharge vnto the other.

And therefore if the father performeth not his duty towards his children, they are not thereby acquitted

*Frustra fidem sibi quis postulat seruari ab eo, cui fidem a se prestitam seruare recusat.*  
*Non obstringitur quis ad implendum quod iurauit si ab alia parte non impletur, cuius respectu præbuit iuramentum.*  
*1 in l. cum proponas, c. de pact.*  
*2 in c. peruenit a de iureiur.*  
*3 in tractu fallen reg 199.*

in l. ult. de  
jurisd.  
in c. pastora-  
lis de off. ord.  
in c. cum ec-  
clesiarum. co.  
in d. l. iudi-  
cium.

his owne. Herevpon Alexander<sup>t</sup>, Panormitan<sup>s</sup>, Innocen-  
tius, and Felinus<sup>i</sup> doe affirme, that they may cast their  
commissioners out of power when they please, be-  
cause as Paulus saith<sup>t</sup>; a man can iudge no longer, when  
he forbiddeth who gave authoritie.

Further, all states take denomination from that part  
wherin the supreme power is settled; as if it bee in one  
prince, it is called a monarchie; if in many of highest  
rank, then it is an aristocracie; if in the people, then a  
democracie. Wherypon it followeth; if the people are  
superiour to the prince, if the prince hath no power  
but by commission from them, that then all estates are  
populare: for we are not so much to respect who doth  
execute this high power of state, as from who imme-  
diately it is deriued. Hereto let vs ad that which you  
haue said in another place<sup>1</sup>; that in populare govern-  
ments there is nothing but sedition, trouble, tumults,  
outragies & iniustices vpon every light occasiō; & the  
we shall perceiue; first, that you want the art of a wise  
deceiuer, not to be entangled in your tale; secondly,  
that this is meere poison, which the diuell hath dropt  
out of your pen, to infect christian countries with diso-  
bedience & disorder. In a word, to the contrary of this  
your impudent vntruth, our laws do acknowledge su-  
preme authority in the prince within the realme & do-  
minions of england<sup>2</sup>, neither can subiects beare the-  
selues either superior or equall to their soueraigne, or  
attempt violence either against his persō or estate, but  
as well the ciuill law<sup>3</sup>, as the particulare lawes & cus-  
tomes of all countries do adiudge it high & hainous  
treasō. I will speake now without passion; what reason  
haue we, to accept your idle talk for a kind of authori-  
tie

capto.

1. El. 1.

1. l. d. ad. l. iul.  
maiest.

ry, against the iudgement & lawes of most nations in the world:

You proceede that the power of a prince is giuen to him by the common wealth, with such conditions & exceptions, as if the same be not kept, the people stand free. That the prince receiueth his power vnder plain conditions, you go about to proue afterward: now you hold on, that in all mutual contracts, if one side recede from promise, the other remaineth not obliged: & this you proue by two rules of the law. The first is: *he doth in vaine require promise to be kept of another man, to whom he refuseth to performe that which he promised: the other is: a man is not bound to performe his oath, if on the other part, that be not performed, in respect whereof he did sweare.*

Poore fellow, had you ben as conuersant in the light of law, and cleere course of iustice, as you are in the smoake & dust of some corner of a colledge, you would neuer haue concluded so generally so confidently vpon any of the rules of law, which are subiect for the most part, vnto many exceptions. *Alexander*<sup>1</sup> & *Felinus*<sup>2</sup> doe assigne five fallencies vnto these rules: *Socius*<sup>3</sup> giueth the contrary rule: to him that breaketh his faith or oath, faith ought to be kept, & the restraineth it with seauē limitations. But all affirme, that in those offices which are mutuall between any persons, by the law of nature or of God, as between the father & the child, the husband & the wife, the master & the seruant, the prince and the subiect, although the same be further assured by promise or by oath, the breach of duty in the one, is no discharge vnto the other.

And therefore if the father performeth not his duty towards his children, they are not thereby acquitted

<sup>o</sup> Frustra fidem  
sibi quis po-  
stulat seruari  
ab eo, cui fidē  
a se prestitam  
seruare recu-  
sar.  
<sup>p</sup> non obstrin-  
gitur quis ad  
implendum  
quod iurauit  
si ab alia parte  
non impletur,  
cuius respectu  
præbuit iura-  
mentum,  
<sup>q</sup> in l. cum  
proponas, c. de  
pact.  
<sup>r</sup> in c. peruenit  
de iureiur.  
<sup>s</sup> in tract. fallen-  
reg 199.

both of the obedience & care, which God & nature exacteth of them; howsoever *Solon* in his lawes discharged children from nourishing their parents, if they did not traine them in some trade, wherby they might acquire their living. Much lesse are subiects exempted from obedience, if the prince either erre or be defectiue in gouernment: because the like respect is not due vnto parents as vnto Princes. (as I haue somewhat touched before) inso much as a sonne that beareth authoritie, hath right both to commaund and compell the father.\*

\* l. ille a quo &

l. seq. ad Treb.

" in apoph.

z lib. 24.

7 lib. 2. ca. 1.

alib. 3 ca. 3.

This was declared among the Romanes, by that which *Plutarch*\*, *Linie*\*, *Valerius*\*, and *Gellius*\*, doe report of *Q. Fabius*: to whome, being consull, when *Fabius Maximus* his father, who had bene consull the yeare before, did approach sitting vpon his horse, the sonne commanded him by a sergeant to alight: the father not onely obeyed, but highly commended both the courage and iudgement of his sonne, in maintaining the maiestie which he did beare, and in preferring a publicke both dutie and authoritie before priuate. Vpon those examples *Paulus* the lawier did wright,\* that publick discipline was in higher estimation among the Romane parents, then the loue of children.

\* l. postlimi-  
nium. \* filius  
D. da capit. et  
postlim.

After an impertinēt discourse, that vpon diuers considerations an oath ought not to be performed; you annex another cause wherefore subiects may withdraw their allegiance; & that is, when it should turne to the notable damage of the common wealth: and both these you affirme to be touched, in the deprivation of *Childerick* king of France. But I regard not what

was



was touched in the deprivation of *Childeric*, I have answered to that in the chapter next before; I require either arguments or authoritie of more tough temper. Well then let vs turne back the leafe, and there we shall finde a rule of the law (because by rules onely you will beat down rule) <sup>a</sup> *In euill promises it is not expedient to keepe faish*: Which is also confirmed by a sentence of *Isidorus*: <sup>b</sup> *In euill promises, break your words; in a dishonest oath change your purpose*.

<sup>a</sup> c. In malis, de  
reg. iur. in 6.  
<sup>b</sup> 22. q. 4. c. 5

Well fare your vvits, good soule, doe you accompt the promise of obedience euill? not so (I suppose you will say) but it turneth to be euill vwhen it turneth to the notable detrimēt of the commō wealth. It is one of your peculiar guifts, the further you goe, the more impious you declare your selfe. For if you take the word euill in noe higher sence then for detriment and damage, it would follow vpon your rule, that a man vvhere no further tyed to his promise, then the performance thereof were aduantageable vnto him. You vvould inforce also, that if the father doth dissipate his patrimoniall estate; and sunne a course to ruine his familie, the children and the wife may therupon disauow their duties.

But if vvee take a true touch of this point, we shall finde, that the vices of any Prince are not sufficient of themselves to ouerthrow a state, except therevpon rebellions be raised, vvwhich vvill draw all things into confusion. For there is no Prince, vvwhich either hath liued, or can almost be imagined to liue, in so little sence of humanitie, but generally he both fauoureth and maintaineth some order of iustice, onely against particuler persons, some of



them haue violently bene carried by the tempest of their passion, vvhetherby notwithstanding the inordinate desires of one man, can not possibly reach to the ruine of all.

<sup>a</sup> In domit.

So saith *Suetonius*,<sup>c</sup> that vnder *Domitian* the prouinces vvere vvell gouerned, onely certaine priuate men at Rome, felt the euill of his crueltie and other vices. But vvhenn the people doe breake into tumult, then all course of iustice is stopped; then is either assistance made, or resistance vveakened for forren inuasion; then is euery one rayfed into hope vvho cannot flye but vvith other mennes feathers; then, as vvhen a fierce horse hath cast his rider, the reins are loosed to those insolencies, vvvhich a dissolute people, nothing restrained either by honestie or feare doe vsually commit. For as it is the nature of men, vvhen they come out of one extremitie vvherin they haue bene houlden by force, to runne vvith a swift course into another, vvithout staying in the midst; so the people breaking out of tyrannie, if they bee not holde back, vvill runne headlong into vnbridled libertie; and the harder they vvere kept vnder beefore, the more insolently vvill they then insult.

I obserue that Saint Paul alleageeth two reasons vvherefore vve should be obedient euen to vvicked and cruell Princes: one is for conscience sake, *Because they are the ministers of God*,<sup>a</sup> and in their royaltie doe beare his Image: Another, for the safetie, and tranquillie of our selues; *that wee may lead vnder them a quiet and peaceable lyfe*.<sup>c</sup> Wherevpon the prophet *Jeremiah*<sup>d</sup> also exhorted the Iowes, to seeke the

<sup>a</sup> Rom. 13.

<sup>c</sup> 1. Tim. 2.2

<sup>d</sup> Jerem. 29.7

the peace of the cittie whether they should be transported, because in the peace thereof their quiet should consist: For by obedience, a few particulars remaine in daunger; by rebellion, all; by obedience, vve can be vnder the tyrannie but of one; by rebellion, vve are exposed to the rapine and crueltie of many; by the one nothing, by the other all things are permitted. Vpon this ground Saint *Augustine* saide; <sup>a</sup> *It is a* <sup>b</sup> *generall couenant of humane societie to obey Kings; And likewise Saint Ambrose* <sup>c</sup> *It is a great and speciall point of doctrine whereby Christians are taught to be subject vnto higher powers.*

<sup>a</sup> Generale quippe pactum est humane societatis, re-gibus obedire, confess, lib. 2.

<sup>b</sup> Magnum est et speciale documentu &c. ad Auxentium

Three waies a cruell Prince may wvork violence against his subjects, vpon their goods, vpon their persons; and vpon their consciences, by commaunding them to commit that which is euill. Of the first, Saint *Ambrose* saith: <sup>d</sup> *If the Emperour demandeth tribute, wee doe not deny him: If he desireth fieldes, let him take them if he please: I doe not giue them to the Emperour; but therewith also I doe not deny them.* Of the second, *Tertullian* vvrigheteth <sup>e</sup> as I haue alleaged him before: For vvhath vvar are vvee vnseruiceable or unfit, although vnequall in number, vwho doe so vvil-lingly suffer death: yea, he vvas so farre from iudging it lawfull to resist, that he thought it scarce allowable to flye. In the third case, nor your rule of law, but the rule of the Apostles taketh place: *It is better to obey GOD then man* <sup>f</sup> whereby the subject is not bound to yeeld obedience.

<sup>d</sup> Ad Auxentiu

<sup>e</sup> Apol.

<sup>f</sup> Act. 5.

But how <sup>g</sup> hee is not bound to obey by doing, but by suffering hee is: he is not bound to obey in doing that onely vvhich is euill, but he is not ther-

in Psalm.

thereby freed from doing any other thing which is lawfully commanded. S. Augustine saith<sup>m</sup>: *Julian was an infidell Emperour, an Apostata; an Idolater; christian soldiers did serue this infidell Emperour; when hee would haue them worship Idols, and offer Frankencense vnto them, they preferred God before him: but when hee saide; bring forth the armie, march against such a nation; they did presently obey.* All this seemeth to bee confirmed by God himselfe, who after hee had forewarned the people of Israell by the mouth of Samuell, <sup>a</sup>what heauie, what open iniustice they should endure vnder some of their kings, hee concludeth in these words: *and yee shall cry out in that day because of your king, and the Lord will not heare you.* As if hee had said: you shall grudge at this burthen, you shall grone vnder it; but you shall not haue power, either to shrink from it, or to shake it off.

1. Sam. 5.

Surely, if you had been aduised, you would priuily haue blowen your blasphemies into the eares of those idiots, who adore you for the great penitentiaries of the sea of Rome, & esteeme your idle imaginations as the articles of their faith: & not so publiquely haue poured forth your self into these paradoxes, both impious & absurd; not so boisterously haue stepped, like *Hercules Furens*, vpon the open stage of the world, to denounce deprivation against all princes. You would not thus confidently haue opposed your hot headed assertiō against all the ancient fathers of the church. You would not thus ignorantly haue troubled the waters of true humane wisdom, by corrupting the sence of the ciuill laws: you would not thus profanely haue abused the scriptures in maintaining rebellion, as coniurers doe  
in

in inuocating the diuell. For first, you are thereby discovered to be, neither religious, modest, nor wise: secondly, you haue runne your selfe into the compasse of a Canon, in the councell of Chalcedon. <sup>q C. conuersionij qj</sup> Where in it is thus decreed against you: *If Clerkes shall be found to be contriuers of conspiracies, or raisers of factions, let them be degraded.*

After this you declare, who is a tyrant; and that is a king, (you say) if once he doth decline from his dutie: which is a large description, and fit to set all christian countries on floate with bloud. *Comines* saith, that he is to be esteemed a good king, whose vertues are not ouerballanced by vice.

I omit your thicke error in putting no difference betweene a magistrate and a king, with many other of like qualitie, and do come now to a principall point of your strength: that Christian princes at this day are admitted vpon conditions, and likewise with protestations, that if they do not performe the same, their subiects are free from all alleageance. This you will prooue by the particular oathes of all Princes, if the ouerrunning of your tongue may haue the ful course without encounter.

THE

M

# To the fifth Chapter, which is entitled:

Of the coronation of Princes, and maner of admitting to their authoritie, and the oathes which they do make in the same vnto the common wealth, for their good government.



Ist I will peface; that no Prince is foveraigne, who acknowledgeth himfelfe either fubie& or aecomptable to any but to God; euen as *Marcus Aurelius* faid: That Magiftrates were iudges of priuate men, and the Prince of Magiftrates, and God of the Prince. In regard of this, immediate fubiection, Princes are moft efpecially obliged to the lawes of God and of Nature: for *Baldus*, *Alexander*, *Speculator*, "all interpreters," the lawe it felfe, do affirme, that Princes are more ftrictly bound to thefe lawes, then any of their fubie&es. Whereof *Dionysius* the Tyrant had fome fence, when he fayd vnto his mother: That he was able to difpence with the lawes of Syracufa, but againft the lawes of Nature he had no power. If therefore a Prince doth profefle, that he will beare himfelfe regardfull of the accomplifhment of thefe lawes, he doth not condition or reftreine himfelfe, but maketh an honorable promife of indeuour, to difcharge his dutie; being tyed thereby to no fcanter fcope then he was before. The reafon hereof is: *Quia exprefio eius quod tacite inefl, nihil operatur*: The exprefing of that which is fecretly vnderftood,

r In l. 2. D. de  
feruit. & aqua  
f conf. 216.  
t De legib.  
\* nunc.  
u In l. ult. c. fi  
contra ius.  
w c. funt qui-  
dam. 15. q. 1.  
x Plutarch. in  
Problem.  
Grzc.

y L. iij. D. de  
leg. j. Dec. in  
reg. 77. n. 10.

good, worketh nothing.

Againe, when the promise is not annexed to the authoritie, but voluntarily and freely made by the Prince, his estate is not thereby made conditionall. For the interpreters of the Ciuill lawe do consent in this rule: *2 Pacta conuenta quæ contractibus non insunt, non formant actionem*: Couenants which are not inherent in contracts, do not forme an action. And therefore although by all lawes, both of conscience and state, a Prince is bound to performe his promise; because (as the Maister of sentences saith) God himself will stand obliged to his word: yet is not the authoritie, but the person of the Prince hereby affected; the person is both tyed and touched in honour, the authoritie ceaseth not, if performances do faile.

2 In l. iurif-  
gentium,  
\*quinimo.

Of this sort was that which you report of Traian, who in deliuering the sword to his gouernors, would say: *If I raigne iustly, then vse it for me; if otherwise, then vse it against me*: but where you adde, that these are the very same words in effect, which Princes do vse at their coronations, (pardon me, for it is fit I should be moued) you will find it to bee a very base lye. Of this nature was that also which the same Traian did, (to encourage his subiects to do the like) in taking an oath to obserue the lawes: which Pliny the younger did account so strange, as the like before had not bene seene. But afterward, Theodoric did follow that fact; whereupon Cassiodorus saith: *Ecce, Traiani nostri clarum seculis reparamus exemplum; iurat vobis per quem iuratis: We repaire the famous example of Traian; he sweareth to you by whome you sweare*. So when king Henry the fifth was accepted for successour

to the crowne of Fraunce, he made promise, to main-  
taine the Parliament in the liberties thereof. And like-  
wise diuers Princes do giue their faith, to mainetaine  
the priuiledges of the Church, and not to change the  
lawes of the Realme: which oath is interpreted by  
\* *Baldus*, <sup>a</sup> *Panormitane*, and <sup>b</sup> *Alexander*, to extend  
no further then when the lawes shall be both profita-  
ble and iust: because Iustice and the common benefit  
of subiects, is the principal point, both of the oath and  
dutie of a Prince, whereto all other clauses must be  
referred. And now to your examples.

First, because in all the ranke of the Hebrew kings,  
you cannot find either condition or oath; not in the  
auncient Empires and kingdomes of the world; not  
vsually in the flourishing time of the Romaine state,  
both vnder heathen and christian Emperors; because  
these times are too pure for your purpose, you fumble  
foorth a dull coniecture: That forsomuch as the first  
kings were elected by the people, it is like that they  
did it vpon conditions and assurances for themselves.  
That the first kings receiued not their authoritie from  
the people, I haue manifested before<sup>e</sup>: and yet your  
inference hereupon is no other, then if you should  
sue in some Court for a legacie, alleading nothing for  
your intent, but that it is like the Testator shold leaue  
you something; in which case it is like (I suppose)  
that your plea wold be answered with a silent scorne.

After a few loose speeches, which no man would  
stoupe to gather together, you bring in the example  
of *Anastasi*us the first Emperour of *Constantinople*; of  
whom the Patriarch *Euphemius* required before his  
coronation, a confessiō of the faith in writing, wherein  
he

\* In l. clavis

l. de fideis.

a In c. pro il-

lorū de pre-

bend.

b Conf. 220.

lib 6, &amp; conf.

122. &amp; 125.

lib. 4.



he should promise to innouate nothing. And further, he promised to take away certaine oppressions, and to giue offices without mony. Let vs take things as they are, and not speake vpon idle imagination, but agreeable to sence: what either condition or restraint do you find in these words? Condition they do not forme, because in case of failance they donot make the authoritie void: neither do they make restraint, because they containe no point, whereunto the lawe of God did not restraine him. All this he was bound to performe without an oath; and if he were a thousand times sworne, he was no more but bound to perform it: euē as if a father should giue his word to cloath and feede his child; or the husband to loue his wife; or any man to discharge that dutie, which God and Nature doth require. It is true, that *Anastasiu* was both a wicked man, and iustly punished by God for the breach of his faith; but his subiects did neuer challenge to be free therefore from their allegiance.

The same aunswere may be giuen to the promise, which *Michael* the first gaue to *Nicephorus* the Patriarch: *That he would not violate the Ordinances of the Church, nor embrue his hands with innocent blood*; especially if you take the word *Ordinances* for matters necessarie to be beleeued: but if you take it in a larger sence, then haue I also declared in the beginning of this chapter, how farre the promise doth extend.

Your next example is of the Empire of *Almaine*; from whence all that you obiect, doth fall within this circle. After the death of *Charles* the Great, the empire was held by right of succession, vntill his line was determined in *Conrade* the first. After whose death it be-

came electiue: first in *Henry* duke of Saxony, then in *Otho* his son; and afterwards in the rest: from whom notwithstanding no other promise was wrested, but the discharge of that dutie, which they were enforced, or rather threatned, that God wold seuerely exact at their hands. But (as in all electiue States it vsually hapneth) at euery new change and choise, the Emperor was deplumed of some of his feathers, vntill in the end he was made naked of authoritie, the Princes hauing drawne all power to themselues.

So by degrees the Empire was changed from a Monarchie to a pure aristocracie; the Emperour bearing the title thereof, but the maiestie and puissance remaining in the States. During which weaknesse of the Emperour, some points were added to his oath, which seemed to derogate from the soueraigntie of his estate. But what is this to those Princes, who haue retained their dignitie, without any diminution, either of authoritie; or of honour.

The like may be said of Polonia, which not many hundred yeares since was erected into a kingdome: and although the States did challenge therein a right of election, yet did it alwaies passe according to propinquitie of bloud, and was esteemed a soueraigne Monarchie; vntill after the death of *Casimire* the Great, when *Lodowicus* his Nephew King of Hungarie, rather greedie then desirous to be king also of Polonia, did much abase the Maiestie thereof. Yet falling afterward into the line of *Iagello*, who married one of the daughters of *Lodowicke*, it recovered the auncient both dignitie and strength. But when that line also failed in *Sigismund Augustus*, the last male of

of that Familie, the States elected *Henry Duke of Anjowe* for their King, with this clause irritant; That if hee did violate any point of his oath, the people should owe him no allegiance. But whereas you report this as the vsuall oath of the *Kinges of Polonia*, you deserue to heare the plainest tearme of vntruth.

In the kingdome of *Spaine* you distinguish two times: one, before the conquest thereof by the *Moore*s; the other, after it was recovered againe by the *Christians*. I acknowledge a difference in these two times; for that in the one, the right of the kingdome was electiue; in the other, it hath alwaies remained successiue: insomuch as <sup>d</sup> *Peter Belluga*, a diligent <sup>d</sup> In spec. tit. writer of the rights of *Arragon*, doth affirme, that the <sup>14.</sup> people haue no power in election of the king, except <sup>\* Veniamus</sup> n. 10. in case the line should faile.

Concerning the matter in controuersie, you affirme, that the kings did sweare the same points in effect, which before haue bene mentioned. This wee must take vpon your forfeited faith, for you alleadge no forme of oath; onely you write, that the fourth nationall Councell of *Toledo*, with all humilitie <sup>e An. 633.</sup> conuenient did require, that the present king, and all <sup>cap. 74.</sup> other that should follow, would be meeke and moderate towards their subiects, and gouerne them with iustice, and not giue sentence in causes capitall without assistance: declaring further, that if any of them should exercise cruell and proude authoritie, that they were condemned by *Christ*, with the sentence of *Excommunication*, and separated to euerlasting iudgement.

But:

But what pang hath possessed your dreaming braines, to tearme this by a marginall note, *Conditions of raigning in Spaine?* being no other then a reuerent and graue admonition of the dutie of a king, with a feareful declaration of the iudgment of God against wicked Princes. And that which was afterward decreed in the sixt Councell of Toledo: *That the king should sweare, not to suffer any man to breake the Catholike faith*, becaule it is a principall point of his dutie, his estate was not thereby made conditionall.

The rest of this passage you fill vppe with froath of the antiquated lawe of *Don Pelayo*, prescribing a forme of inaugurating the Kinges of Spaine; whereof there is not one point, either now in vse, or pertaining to the purpose. So miserable is your case, that you can write nothing therein, but that which is either impertinent or vntrue.

For Fraunce, your first example is taken from the coronation of *Philip* the first: wherein you note, that king *Henrie* his father requested the people to sweare obedience to his sonne; inferring thereby, that a coronation requireth a new consent, which includeth a certaine election of the subiects. But this is so light, that the least breath is sufficient to disperse it. *Philip* was crowned king during the life of his father: which action, as it was not ordinarie, so was it of such both difficultie and weight, that it could not be effected without assemblie and consent of the States. The oath which he made, is in this forme extant in the Librarie of Rheimes: *I do promise before God and his Saints, that I will conserue to euery one committed*

committed unto me canonically priviledge, & due Law & Justice, and wil defend the, by the helpe of God, so much as shall lye in my power, as a king by right ought to do within his Realm, to euery Bishop, and to the Church committed to him: and further, to the people committed to my charge, I wil grant by my authority the dispensatiō of laws according to right. Ad to this a more anciēt form of the oth of those kings, which it seemeth you haue not seene: I sweare in the name of God Almighty, & promise, to gouerne well & duly the subiects committed to my charge, & to do with all my power, iudgement, justice and mercy. Ad also the oath which you alleage of Philip the 2. surnamed Augustus: To maintaine all canonically priviledges, law & Justice due to euery mā, to the vttermost of his power; to defend his subiects as a good king is bound to do; to procure that they be kept in the unio of the Church; to defend the frō an excesse, rapine, extortion & iniquity; to take order that Justice be kept with equity & mercy; & to endeuor to expell heretiks. What doth all this rise into, but a princely promise to discharge honorably and truly those points of duty, which the laws of God did lay vpo the? What other cōditions or restraints are imposed? what other cōtract is hereby made? where are the protestations which in the end of the last chap. you promised to shew, that if the Prince do faile in his promise, the subiects are free frō their allegēce: what clause do you find sounding to that sense? But you litle regard any thing that you say, you easily remember to forget your word. Well the, we must put these your vaine speeches into the reckning of mony accōpted, but not receiued: and seeing you cannot shew vs, that the kings of France and of Spaine are tied to any condition, whereto the law of God doth not bind the, I will not vary frō the iudgement of Ordradius in affirming the to be absolute kings. f. Conf. 69.

I haue pressed this point the rather in this place, because you write, that most neighbour nations haue takē the forme of anointing & crowning their kings, from the anciēt custome of *France*, although the substance be deduced from the first kings of the Hebrews, as appeareth by the anointing of king *Saul* whereof *Dauid* (you say) made great accompt, notwithstanding that *Saul* had bene reiectēd by God, and that himselfe had lawfully borne armes against him.

Out Atheist; you would be dawbed with dung, & haue the most vile filth of your stewes cast in your face. Did *Dauid* beare armes against his annointed king? did he euer lift vp his eye-lids against him? did he euer so much as defend himselfe otherwisethen by flight? It is certaine that *Shemei* did not halfe so cruelly either curse or reuile this holy man, who did so much both by speech and action detest this fact, that he would rather haue endured ten thousand deaths, then to haue defiled his soule with so damnable a thought. What then shall we say vnto you, who to set vp sedition and tumult, abuse all diuine & humane wrightings, in whatsoeuer you belecue will aduance your purpose? who spend some speech of respect vnto kings for allurement onely, to draw vs more deepe into your deceit? Shall we giue any further eare to your doctrine, both blasphemous and bloody? We will heare you to the end; and I deceiue my selfe, but your owne tale shall, in any moderate iudgement, condemne the authoritie of your opinions for euer.

Let vs come then to your last example (which is neither the last nor the least whereat you leuell.) And that is of *England*, which of all other kingdomes

is the most lawfull & iustly called (you say) a

(you say) hath most particularly taken this ceremony of Sacring and anointing from *France*. Well, let the ceremonie be taken from whence you please: if the oath be no other then you do specifie, *To obserue peace, honour and reuerence, vnto Almighty God, to his Church and to the Ministers of the same, to administer Law and Iustice equally to all; to abrogate euill lawes and customes, and maintaine good* (which was the oath of king *Richard* the first; the like whereto was that of king *John*, altered only in the first branch: *To loue and defend the Catholicke Church*:) If the oath be no other I say, I do not see what other answer you need to expect, but that it is onely a free royall promise, to discharge that duty which God doth impose. And this is plainly declared by the speech which you alleage, of *Thomas Arundell* Archbishop of *Canterbury*, to king *Henry* the fourth; *Remember* (saith he) *the oath which voluntarily you made*: voluntarily he sayd, and not necessarily: it was voluntary in oath, but necessary in duty. That which you report also that *Thomas Becket* did write vnto king *Henry* the second, importeth nothing else but an acknowledgement of duty: *Remember* (saith he) *the confession which you made*.

I cannot omit your description of the manner of the Coronation in *England*. First (you say) the king is sworne; then the Archbishop declareth to the people what he hath sworne, and demaundeth if they be content to submit themselues vnto him vnder those conditions: whereunto they consenting, he putteth on the royall ornaments; and then addeth the words of commission: *Stand and hold thy place, and keepe thy oath*. And thus you haue hammered out a formall



election, supposing that you draw together the peeces of fallshood so close, that no man can perceiue the seame. The truth is, that king *Henry* the fourth being not the nearest in bloud to the inheritance of the crowne, did countenance his violence with the election of the people; not at his Coronation, but in a Parliament that was holden before. And therefore you do impudently abuse vs; First, in ioyning them together as one act; Secondly, by falsifying diuerse points in both; Lastly, by insinuating that the same order was obserued by other kings.

The points which you falsifie are these: The interrogation of the Archbishop to the people: the absurd straining of these words; *Stand, hold thy place*, to be a Commission: the alleaging also out of *Stow*, 1. That the Archbishop did reade vnto the people, what the King was bound vnto by oath; 2. That the Earle of *Northumberland* did shew a ring vnto the people, that they might thereby see the band whereby the king was bound vnto them; 3. That the king did pray, that he might obserue his promise. In which composition of conceits, you shew how actiue you are in counter-faiting any thing, that may make to your purpose, perswading your selfe, that it is no fraud vnto God, to deceiue the world in a lye for aduantage.

King *Edward* the fourth also (because his right was litigious, & another was in possession of the crowne) strengthened, or rather countenanced his title with the approbation of the people. But where you write, that at the Coronation of King *Edward* the sixth, *Queene Mary*, and *Queene Elizabeth*, the consent and acceptance of the people was demanded: First,

we haue no cause to credite any thing that you say; then, although it be true, yet not being done in Parliament, it addeth no right vnto the Prince; but is only a formality, a circumstance only of ceremony and order.

Hereupon you conclude, that a king hath his authority, by agreement and contract betweene him & the people: insinuating thereby that he looseth the same, if he either violate or neglect his word. The contrary opinion, that only succession of blood maketh a king, & that the consent of the people is nothing necessary, you affirme to be absurd, base and impious, an vnlearned, fond and wicked assertion; in flattery of Princes, to the manifest ruine of common-wealths, and peruerting of all law, order and reason.

I did alwayes foresee that your impostumed stomacke would belch forth some loathsome matter. But whosoever shall compare this confident conclusion with the proofes that you haue made, he will rather iudge you mad then vnwise. This bold blast, vpon grounds that are both foolish and false, bewrayeth rather want then weaknesse of wits. I am ashamed I should offer any further speech in so euident a truth: but since, I haue vndertaken to combate an herisie, since the matter is of so great consequence & import, I purpose once againe to giue you a gorge.

Learne then, heauy-headed Cloisterer, vnable to mannage these mysteries of State: Learne of me, I say; for I owe this duty to all Christians: the Prophets, the Apostles, Christ himselfe hath taught vs, to be obedient to Princes, though both tyrants and infidels. This ought to stand with vs for a thousand reasons to

submit our selues to such kings, as it pleaseth God to send vnto vs; without either iudging or examining their qualities. Their hearts are in Gods hand; they do his seruice, sometimes in preserving, sometimes in punishing vs: they execute his iudgement both wayes, in the same measure which he doth prescribe. If they abuse any part of their power, we do not excuse, we do not extenuate it; we do not exempt them from their punishment: let them looke vnto it, let them assuredly expect, that God will dart his vengeance against the with a most stiffe and dreadfull arme. In the meane season, we must not oppose our selues, otherwise then by humble suites and prayers: acknowledging, that those euils are alwayes iust for vs to suffer, which are many times vniust for them to do. If we do otherwise; if we breake into tumult and disorder, we resemble those Giants of whom the Poets write; who making offer to scale theskies, and to pul *Iupiter* out of his throne, were overwhelmed in a moment with the mountaines which they had heaped together. Beleeue it, Cloisterer; or aske any man who is both honest and wise, and he will tell you: It is a rule in reason, a triall in experience, an authority confirmed by the best, that rebellion produceth more horrible effects, then either the tyranny or insufficiency of any Prince.

## To the sixth Chapter, whereof the title is:

*What is due to onely succession by birth; and what interest  
or right an Heire apparant hath to the Crowne, be-  
fore he is crowned or admitted by the com-  
mon wealth; and how iustly he may  
be put backe, if he hath  
not the partes  
requisite.*



**Y**OV begin (after your manner) with  
a carreir against *Billay*; but because  
both I haue not seene what he hath  
written, and dare not credite what you  
report, I will not set in foote betweene  
you.

In breaking from this, you preferre succession of  
Princes before free election, as well for other respects,  
as for the preeminence of auncetrie in birth, which is  
so much priuiledged in the Scripture: and yet not  
made so inuiolable (you say) but vpon iust causes it  
might be inuerted; as it appeareth by the examples of  
*Iacob, Iuda and Salomon*. And this libertie you hold  
to be the principall remedie for such inconueniences  
as do ensue of the course of succession; as if the next  
in birth be vnable or pernicious to gouerne: in which  
cases, if he be not capable of directions and counsels,  
you affirme that the remedie is to remoue him. And  
so you make succession and election, the one to be a  
preseruatiue to the other; supposing, that the difficul-  
culties of both are taken away: First, if ordinarily

succession taketh place; then, if vpon occasion we giue allowance to election.

g Cap. I.

For the prerogatiue of birth, as also for the special choice which God hath often made of the yongest; I will remit my selfe to that which I haue written before<sup>s</sup>. At once: in those particular actions which God hath either done, or by expresse Oracle commanded, contrarie to the generall lawes which he hath giuen vs; as in the robberie of the *Egyptians*, the extirpation of the *Amalekites*, the insurrection of *Iebu*, and such like; we are bound to the law, and not to the example. God hath giuen vs a naturall law, to preferre the first borne; he hath often made choice of the yongest, because he commonly worketh greatest effects, by meanes not onely weake, but extraordinary; as it appeareth by the birth of *Isaak*. But that these special elections of God are not proposed for imitation to vs, hereby it is euident; because they haue bene for the most part, without defect in the one, or demerite in the other. And especially in this example of *Iacob* and *Esau*; <sup>h</sup> Saint *Paule* sayth that it was not grounded vpon their workes, but vppon the will and pleasure of God; for before they had done good or euill, before they were borne, God sayd: <sup>i</sup> *The eldest shall serue the yongest*. Which if we might imitate, the priuiledge of birth were giuen in vaine.

h Rom. 9. 13.

i Gen 25. 23.

For your deuce in ioyning election to succession, whereby one of them should remedie the difficulties of the other, it is a meere vtopicall conceipt: what else shall I tearme it? an imposture of state, a dreame, an illusion, fit only to surpris the iudgement of

of the weake and ignorant multitude. These toyes are alwaies hatched by the discoursiue sort of men, rather then the actiue; being matters more in imagination then in vse: and herein two respects do principally oppose against you.

The first is, for that in most nations of the world, the people haue lost all power of election; and succession is firmly settled in one discent, as before I haue declared<sup>k</sup>.

<sup>k</sup> Cap. j.

The second is, for that more fierie factions are hereby kindled, then where succession or election are meere without mixture. For where one claimeth the Crowne by succession, and another possesseth it by title of election; there, not a disunion onely of the people, not a diuision in armes, but a cruel throat-cutting, a most immortall and mercilesse butcherie doth vsually ensue. It is somewhat inconuenient (I grant) to be gouerned by a Prince either impotent or euill; but it is a greater inconuenience, by making a breach into this high point of state, to open a way to all manner of ambitions, periuries, cruelties and spoile: whereto the nature of the common-people would giue a great furtherance, who being weake in wisedome, violent in will; soone wearie of quiet, alwaies desirous of chaunge, and most especially in matters of state, are easily made seruiceable to any mans aspiring desires. This I haue manifested before<sup>l</sup>, by the examples of king *Edward* and king *Richard*, both surnamed the Second: who were not insupportable either in nature or in rule; & yet the people more vpon wantonnes then for any want, did take an vnbridled course against them. And thus is your high pollicie nothing

<sup>l</sup> Cap. 3.

else but a deepe deceit; thus whilest you strue with the wings of your wit to mount aboue the cloudes of other mens conceipt, you sinke into a sea of absurdities and errors.

After this, you determine two questions; the first is, What respect is to be attributed to propinquitie of blood onely. Whereto you answer, that it is the principall circumstance which leadeth vs to the next succession of the Crowne, if other circumstances and conditions doe concurre, which were appointed at the same time, when the lawe of succession was established. Assuredly you can neuer shewe either when, or by whome, this lawe of succession was first instituted, except perhappes by some *Nimrod*, when hee had brought the necke of a people vnder his sword: at which time, what conditions hee would set downe to bee required from his successour, any ordinarie iudgement may coniecture at ease. Well, since you set vs to seeke for prooffe of this, to that which you haue written before, I will also send you backe to the same place<sup>m</sup> for your answer.

90 Cap. 5.

The second question is, What interest a Prince hath to his kingdome, before he be crowned. This you resolute by certaine comparisons; and first you write, that it is the same which the Germaine Emperour hath before his coronation. But that is so large, that some Emperours haue neuer bene crowned; others haue deferred it for many yeares; among  
 91 Metrop. l. 3. cap. 10. which<sup>m</sup> *Crantzium* writeth, that *Otho* the first receiued the Crowne of the Empire, in the eight and twentieth yeare of his raigne. And yet is not this comparison full to the question propounded; because in  
 electiue



electiue states there is not held one perpetuall continuance of royaltie, as is in those that are successiue. And<sup>o</sup> *Panormitane* saith, That an argument *a simili* <sup>o In Proena, decret.</sup> is not good, if any difference can bee assigned. Much more vnfitly doe you affirme, that it is no greater then a Maior of London hath in his office, before hee hath taken his oath: for it is odiously absurd, to compare the authoritie of an absolute Prince by succession, to the authoritie of an Officer, both electiue and also subiect.

But it is the example of mariage (you say) where by this matter is made more plaine: for as in this contract there is an espousall, by promise of a future act, and a perfect mariage by yeelding present consent; the first is, when both parties doe mutually promise that they will; the second, that they do take one the other for husband and wife: so an heire apparant, by propinquitie of bloud is espoused onely to the Commonwealth, and married afterward at his coronation, by oathes of either partie, and by putting on the ring, and other wedding garments. But how were Kings married in former ages? how are they now married in those countries, where they haue neither ring, nor wedding garment, nor also any oath? What is euery office and degree which is taken with ceremonie, to be esteemed likewise a mariage? Or if you will haue coronation onely to bee a mariage, what else can it resemble, but the publike celebration of matrimonie betweene man and woman? which addeth nothing to the substance of contract, but onely manifesteth it to the world.

These pitifull proofes, naked of authoritie, emptie

of sence, deserue rather to be excused then answered: I will helpe therefore in some sort to excuse them. They are the best that your staued both cause and concept can possibly affoord: and you haue also some fellowes in your folly. *Heliogabalus* did solemnely ioyne the statues of the Sunne and of the Moone in mariage together. *Nero* was married to a man, and tooke also a man to his wife. The Venetians doe yearly vpon Ascention day, by a ring and other ceremonies, contract mariage with the sea.

But now in earnest; men do dye whensoever it pleaseth God to call them: but it is a Maxime in the common law of England: *Rex nunquam moritur*; *The king is alwaies actually in life*. In Fraunce also the same custome hath bene obserued; and for more assurance it was expresly enacted vnder *Charles* the fifth: That after the death of any king, his eldest sonne should incontinently succeede. For which cause the Parliamēt court of Paris doth accompanie the funeral obsequies of those that haue bene their kings, not in mourning attire, but in scarlet; the true ensigne of the neuer-dying Maiestie of the Crowne.

In regard of this certaine and incontinent succession, the <sup>a</sup> Glossographer vpon the Decrees noteth: That the sonne of a king, may be called King during the life of his father, as wanting nothing but administration: wherein he is followed with great applause by <sup>t</sup> *Baldus*, <sup>i</sup> *Panormitanus*, <sup>i</sup> *Iason*, <sup>u</sup> *Carol. Ruinus*, <sup>w</sup> *Andreas Iserna*, *Martinus*, *Card. Alexander*, <sup>x</sup> *Albericus*, <sup>y</sup> *Fed. Barbatius*, <sup>z</sup> *Philip Decius*, <sup>&</sup> *Ant. Corsetta*, <sup>\*</sup> *Fra. Lucas*, <sup>b</sup> *Matthe*, *Afflict*. And the same also doth *Seruius* note out of <sup>c</sup> *Virgil*, where he saith of *Ascanius*:  
*Regemq;*

p About the  
year, 1375.

q In c. vlt. 24.  
q. 1.

r In l. questu.  
D. de leg. j.

s In c. tanta  
qui fil sunt  
legit.

t Conf. 192. l. 1.

u Conf. 1. 2. l. 1.

w In c. 1. tit.  
quis dicat.  
dux.

x In l. partiu.  
c. de rei vend.

y In rep. rub.

de ca. po &  
prop.

z Conf. 262.

& In tract. de

po. & excel.

reg. q. 25.

a In tract. de

privil. fisc.

par. 1. ca. 109.

b In tract.

partu. 1. tit.

c Aecid. 9.

*Regemq; requirunt*, his father *Aeneas* being yet aliue.

But so soone as the king departeth out of life, the royaltie is presently transferred to the next successor, according to the lawes and customes of our Realme. All Writs go forth in his name; all course of iustice is exercised, all Offices are held by his authoritie; all states, all persons, are bound to beare to him allegiance: not vnder supposall of approbation when hee shall be crowned, according to your dull and drowisie coniecture, but as being the true Soueraigne king of the Realme.

He that knoweth not this, may (in regard of the affaires of our state) ioyne himself to *S. Anthony*, in glorying in his ignorance, & professing that he knoweth nothing. Queene *Mary* reigned three moneths before she was crowned, in which space the Duke of Northumberland and others were condemned and executed for treason: for treason I say, which they had committed, before she was proclaimed Queene.

King *Edward* the first was in Palestina, when his father dyed; in which his absence, the Nobilitie and Prelates of the Realme assembled at London, and did acknowledge him for their king. In his returne homeward, he did homage to the French king, for the lands which he held of him in France. He also repressed certaine rebels of Gascoine; amongst whom, *Gasco* of Biernie, appealed to the court of the king of Fraunce: where king *Edward* had iudgement, that *Gasco* had committed treason<sup>d</sup>; and therupon he was deliuered to the pleasure of king *Edward*. And this hapned before his coronation, which was a yeare and nine moneths after he began to raigne.

Walsingh.  
in E. 1.

King *Henry* the sixth was crowned in the eighth yeare of his raigne; and in the meane space, not onely his subiectes did both professe and beare alleageance, but the King of Scottes also did sweare homage vnto him.

What neede I giue any more either instance or argument, in that which is the cleare lawe, the vncontroulled custome of the Realme? Against which notwithstanding your weather-beatē forehead doth not blush to oppose a blind opinion, that heires apparant are not true kings, although their titles be iust, and their predecessors dead. This you labour to prooue by a few drye coniectures, but especially and aboue all others (you say) because the Realme is asked three times at euery coronation, whether they will haue such a man to be their king or no. First, wee haue good reason to require better prooue of this question then your bare word: secondly, although we admit it to be true, yet seeing the aunswer is not made by the estates of the Realme assembled in parliament, but by a confused concurse (necessarie Officers excepted) of all sorts both of age and sexe, it is for ceremonie only, & not of force, either to giue or to increase any right.

Another of your arguments is, for that the Prince doth first sweare to gouerne well and iustly, before the subiects take their oath of alleageance; which argueth, that before they were not bound. And further you affirme, that it happened onely to king *Henry* the sixth, among his predecessors, to haue fealtie done vnto him, before hee was crowned, and had taken his oath. I confesse indeed, that *Polydore* and *Stow* haue written so; but you might easily haue found that they write

write not true; the one of them being a meere straunger in our state; the other a man more to be commended for indeuour then for art. King *Iohn* being in Normandie when his brother dyed, sent into England *Hubert* Archbishop of Canterburie, *VVilliam Marshall* Earle of Strigvile, and *Geoffrie Fitzpeter* Lord chiefe iustice, who assembled the States of the Realme at Northhampton, and tooke of them an oath of obedience to the new king. Also king *Henry* c Anno reg. the third caused the Citizens of London, the Guadians of the Cinque-ports, and diuers others, to sweare fealtie to Prince *Edward* his sonne; who being in Palestina when his father died, the Nobilitie and Prelates of the Realme assembled in the new temple at London, and did acknowledge him for their king. And in like manner, king *Edward* the third tooke an oath of all the Nobilitie of the Realme, of faith after his death to *Richard* Prince of Wales: and so did king *Henry* the first, for his daughter *Mawde*, and her yong sonne *Henry*.

After the death of king *Henry* the fifth, that subjects did often sweare alleageance, before the coronation and oath of the king, you had neither countenance nor conscience to deny: but it was neither of these two which did restraine you; it proceeded onely from the force of truth, which will manifest it selfe whatsoeuer art we vse to disguise it. For otherwise, what countenance, what conscience had you to affirme, that it is expresly noted by our English Historiographers: That no alleageance is due vnto kings, before they bee crowned? Who are these Historiographers? where doe they so write? you that  
search

search euery dustie corner of your braines, for a fewe ragged reasons to vphold your heresie, should not either haue mentioned, or omitted such pregnant proofes: for in that you affirme, and do not expresse them, you condemne your selfe by your owne silence.

If you meane that which you alleadge out of *Polydore* and *Stowe*: That an oath of fealtie was neuer made before coronation, vntill the time of king *Henry* the fifth; it is neither true, nor to any such sence. If you meane that of *Polydore* in tearming *Henry* the fift, Prince and not King, before he was crowned; in writing also, that the States did consult in Parliament, <sup>f</sup> of creating a new king after the custome of their *ancestors*: it is a sleepeie ieast, to straine euery word in such an author to proprietie of speech. You might better haue cited, what certaine cities in Fraunce not long since alledged for themselves: That because they had not reputed *Henry* the fourth for their king, because they had not professed allegiance vnto him, they were not to be adiudged rebels: whereupon notwithstanding the chiefeest Lawyers of our age did resolute, that forasmuch as they were originall subiects, euen subiects by birth; they were rebels in bearing armes against their king, although they had neuer professed allegiance. And this is so euidently the lawe of the Realme, that it is presumption in vs both; in you, to assay by your shallow Sophistrie to obscure or inpugne; in me, to indeuour by authorities and arguments to manifest or defend the same.

But the admission of the people (you say) hath often preuailed against right of succession. So haue pyrates

f Denouo  
rege creando  
more maio-  
rum.

pyrates against merchants; so haue murtherers and theeuers against true meaning trauellers. And this disloyalty of the people hath moued diuerse kings to cause their sonnes to be crowned during their owne liues; because the vnsettled state of succeeding kings doth giue oportunitie to bouldest attempts; and not as you dreame, because admission is of more importance then succession.

I will examine your examples in the Chapters following. In the meane time where you write, that king *Henry* and king *Edward*, both called the Fourth, had no better way to appease their minds at the time of their death, but by founding their title vpon consent of the people; the Authors<sup>s</sup> which you cite do plainly charge you with vnexcuseable vntruth. King *Edward* neuer made question of his right: king *Henry* did, as some other Authors report<sup>n</sup>; but applied no such deceitfull comfort: this false skinne would not then serue to couer his wound.

<sup>g</sup> Sir Tho.  
Moore, and  
Stow.

<sup>h</sup> Holing-  
shed.



# To the seuenth Chapter, which beareth title :

*How the next in succession by propinquity of bloud, haue oftentimes bin put backe by the commonwealsh, & others further off admitted in their places, euen in those kingdoms where succession preuaileth; with many examples of the kingdome of Israel and Spaine.*



**H**ERE you present your selfe very pen-  
sive to your audience, as though you  
had so ouer-strained your wits with  
store of examples of the next in succe-  
sion not admitted to the state, that you  
had cracked the creadite of them for euer. But you  
are worthy of blame, either for endangering or trou-  
bling your selfe in matters of so small aduantage. I  
haue shewed before, that exāples suffice not to make  
any prooffe; and yet herein doth consist the greatest  
shew of your strength. It is dangerous for men to be  
gouerned by examples though good, except they can  
assure themselues of the same concurrence of reasons,  
not onely in generall, but in particularities; of the  
same direction also and cariage in counsell; and last-  
ly, of the same fauourable fortune: but in actions  
which are euill, the imitation is commonly worse  
then the example. Your puffie discourse then is a  
heape of words without any waight; you make  
moun-

mountaines, not of Mole-hils, but of moates; long haruest for a small deale, not of corne, but of cockle; and (as one sayd at the shearing of hogges) great crie for a little, and that not very fine wooll.

Yea, but of necessitie something you must say: yea, but this something is no more then nothing. You suppose, that either your opinion will be accepted, more for authority of your person, then waight of your proofes; or else that any words will slide easily into the minds of those, who are lulled in the humour of the same inclination; because partialitie will not suffer men to discern truth, being easily beguiled in things they desire. Besides, whatsoever countenance you cary, that all your examples are free from exception, yet if you had cast out those which are impertinent, or vniust, or else vntrue, you could not haue beene ouer-charged with the rest.

Your first example, that none of the children of *Saule* did succcede him in the crowne, is altogether impertinent: because by particular and expresse appointment of God<sup>i</sup>, the kingdome was broken <sup>i. 1. Reg. 15. & 16.</sup> from his posteritie. We acknowledge that God is the onely superiour Iudge of supreme Kings, ha- <sup>2. Reg. 1. & 5.</sup> uing absolute both right and power, to dispose and transpose their estates as he please. Neither must we examine his actions by any course of law, because his will is aboue all law. He hath enioyned the people to be obedient to their Kings; he hath not made them equall in authoritie to himselfe. And whereas out of this example you deduce, that the fault of the father may preiudicate the sonnes right,

although he had no part in the fault; to speake moderately of you, your iudgement is either deceitfull or weakc. God in his high Iustice, doth punish indeed the sinnes of parents vpon their posterity<sup>k</sup>: but for the ordinary course of humane iustice, he hath giuen a law, that the sonne shall not beare the iniquity of the father<sup>l</sup>: the equity wherof is regularly followed, both by the Ciuill<sup>m</sup> and Canon<sup>n</sup> law; and by the interpreters of them both<sup>o</sup>.

1 Ezech. 18. 10.

Ierem. 31. 29.

Deut. 24. 16.

2. Chron. 25. 2.

m l. si quis suo.

§. legis C de In

off. test. l. ge-

nerali. D. de

rit. nup. l. filii.

D. de senator.

l. adoptiuum.

D. de In ius

voc.

n Dist. 58. per

tot.

o gl. et D. ib.

et in c. vel non

est. de temp.

ord.

p 1 Chron. 22.

8. 9.

Your second example is of King *Salomon*, who succeeded in the state of *Dauid* his father, notwithstanding he was his yongest sonne. But this example in many respects falleth not within the compasse of your case. First, because he was not appointed successor by the people: we speake not what the king and the people may do to direct succession, but what the people may do alone. Secondly, for that the kingdom was not then stablished in succession. Lastly, for that the action was led by two Prophets, *Dauid* and *Nathan*, according to the expresse choise and direction of God<sup>p</sup>: whereby it is no rule for ordinary right.

Here many points do challenge you of indiscretion at the least. You write that *Dauid* made a promise to *Bathsheba* in his youth, that *Salomon* should succeed in his estate: but if you had considered at what yeares *Salomon* began to raigne, you should haue found, that *Dauid* could not make any such promise, but he must be a youth about threescore yeares of age. You write also, that *Dauid* adored his sonne *Salomon* from his bed: but the words wherewith *Dauid* worshipped were these<sup>q</sup>: *Blessed be the Lord*

q3. Reg. 1. 48.

Lord God of Israel, who hath made one to sit on my throne this day, euen in my sight : whereby it is euident, that *Dauid* adored God and not his son. This I note rather for obseruation of the loosenessse of your iudgement, then for any thing it maketh to the purpose. You are so accustomed to vntruths, that you fall into them, without either aduantage or end.

The like answer may be giuen to your example of *Rehoboam*, because God declared his sentence therein by two Prophets, *Abijah*<sup>r</sup> and *Shemaiah*<sup>r</sup>. But for that the ten tribes reuolted from *Rehoboam*, vpo discontentment at his rough answer, and with dispite against *Dauid* and his house, and not in obedience to Gods decree, we cannot excuse them from offence, for which it turned to their destruction. For hereupon, first they were separated both from the place & maner of the true worship of God; the, there arose vnappealable war, betweene them & the tribe of *Judah*; then, insolencies following disorders, they were neuer long time free from conspiracies, diuisions and tumults: by which meanes being drained both of wealth and inhabitants, and reduced to a naked weaknesse, they were lastly caried captiue into diuerse farre countries, and strangers were sent to inhabite their cities.

I must here also obserue a few of your interpretations, wherein your boldnesse is not limited with any bounds. It is to be noted (you say) that before *Rehoboam* went to *Shechem* to be admitted by the people, he was not accompted true King. I desire therefore that you would satisfie vs in these places following. Before *Rehoboam* went to *Shechem*, the Scripture saith, that *Salomon* died,

13. Reg. 11.  
43.

13. Reg. 12.  
17.

13. Reg. 12.  
19.

13. Reg. 12.  
21.

13. Reg. 12.  
19.

13. Reg. 11.  
31.

and was buried, and *Rehoboam* his sonne raigned in his stead. Againe, after the defection of the ten tribes it is sayd, that in the cities of *Judah* *Rehoboam* did raigne still; "implying thereby, that in the other cities he raigned before. Againe, they are sayd to haue rebelled against the house of *David*". And lastly, *Rehoboam* raised all the strength of *Judah* and *Benjamin*, to bring the kingdome againe vnto him.

Further you write, that ten tribes refused to admit *Rehoboam*; but the Scripture saith that they rebelled. What? did God only allow hereof after it was done? did he only permit the people to do it? the Scripture testifieth that it was his decree, that it was his deed, and that he declared his will by *Abijah* the Prophet, during the life of *Salomon*, and for his sins. But these speciall warrants do not constitute a law; they serue onely to make good the particular actions for which they are directed, and not to iustifie another the like. Lastly, *S. Paule* saith, that all things happened to the Iewes in figure; ypon which place diuerse expositors haue noted, that the state of the Iewes was a figure of the Church of Christ: but that it was an example and patterne of all other states that should ensue, it shall be ranged among your cast conceits.

I refer me now to the iudgement of any man, who taketh not pleasure to beguile himselfe, whether you do not by art & trumpery manifestly abuse vs; partly by incapacitie, & partly by deceit, either corrupting or confounding whatsoeuer you take in hand. Your humor both discontented and vnquiet, hath armed your mind with bloody desires; which haue edged you on to put fewell to those flames, which you shold endeuer

endeavour to quench, though it were with your blood.

I will not stand vpon the particular examples of *Spaine*, as well for that the matter is both tedious and to little purpose; as also for that we haue small conformance with the customes of that nation. Onely thus much in generall: We acknowledge that in auncient times the kingdome of *Spaine* was electiue, and therefore your examples drawne from thence are nothing pertinent. The examples of later times, are both few and vniust, caried onely by faction and by force; as *Garabay* & testifieth of your example of *Aurelio*, & Pa. 14. and as by the example of D. *Sancho el Brauo* I haue declared before<sup>a</sup>. But you accompt faction to be the Common-wealth, and violence Iustice, when it may make to the furtherance of your affaires. <sup>a Cap. 3.</sup>

The Historie of D. *Berenguela* I will briefly report, rather for the respect which guided the *Castilians*, then that I allow it for right which they did. *Henry* had two sisters, *Donna Blanch* the eldest, married to *Lewes* the eight King of *Fraunce*; and *Berenguela* the yongest, married to *Alphonso* king of *Leon*. *Henry* dying without issue, the *Castilians* feared, if they should submit themselves vnto *Blanch*, that their state, being lesse then the state of *Fraunce*, would be made a member thereof, and gouerned as a Prouince, and not as a kingdome. And therefore they did rather chuse to proffesse alleageance to the Lady *Berenguela*; by which meanes, the kingdome of *Leon* was afterwards annexed vnto *Castile*, to the great encrease, both of dignitie and assurance to them both. I haue followed herein your owne Authors, not being ignorant that o-

thers of better name do write, that *Berenguela* was the eldest sister, as I shall haue occasiō hereafter to declare: but for the present let it be as you please; and let vs weigh our owne wisdomes, not only in straining, but in forging titles, to incurre those mischiefes, which the *Castilians* reiected, a lawfull title to auoid.

b Lib. 34.  
p 833.

And this was also one of the motiues of the reuolt of *Portugale*, which is your last example; although it had also (as *Garabay*<sup>b</sup> writeth) a concurrence of right. For *Ferdinand* king of *Portugale*, by his procurators, the Bishop of *Ebora* and others, did both contract and solemnize espousals with *Elianor*, daughter of *Peter* king of *Aragon*. But being entred into war with *Henry* king of *Castile*, & finding himself at some disaduantage, he forsooke the king of *Arragōs* daughter, & cōtracted himself to *Elianor*, daughter to the king of *Castile*, vpo very beneficiall conditions for his state. Afterward, falling into fancy with one of his subiects, named *Elianor Telles de Meneses*, wife to a noble man called *Lorenzo Vasques de Acuña*, he tooke her as his wife, and enforced her husband to auoid the Realme; & had by her one only daughter, named *Beatrix*, who was ioy-  
ned in mariage to *Iohn* king of *Castile*. After the death of the king of *Portugale* her father, the king of *Castile* in the right of his wife, laid claime to that realme, & was accordingly acknowledged by the chiefe of the nobility and Prelats; and in particular, by *D. Iohn* maister of *Auis*, her fathers base brother, who was then the most forward man in her fauour. But afterwards falling into quarrell, and hauing slaine the Count *de Oren*, he stirred the people against the Queene, & cō-  
pelled her to quit the city. And after diuerse outrages  
and



and murders, committed vpon the Bishop of Loif-  
bone, an Abbelle, and many others; hee was first  
made gouernour of Portugall; and then procee-  
ding further, in an assembly of his partie gathered  
at Goimbra, he was made King. *Garrabay* wri-  
teth, that the chiefeſt obiection againſt *Beatrix* was, c pa 844.  
becauſe her mother was not King *Ferdinands* law-  
full wife. And I beſeeue you alſo, that they had  
a reflexe, not to looſe the dignitie of their kingdome  
(as now they haue done) and be made ſubiect to  
the cruell both auarice and ambition of a more po-  
tent ſtate.

To the eighth Chapter, which  
is entituled,

*Of diuers other examples out of the ſtates of France  
and England, for prooſe, that the next in blond are  
ſometimes put backe from ſucceſſion, and how  
God hath approved the ſame with  
good ſucceſſe.*



Our examples of France (to which  
Nation wee are more neare both  
in ſcituation and lawes) I will  
runne ouer with a ſwift courſe.  
Of the chaunge which twice hath  
happened in the whole race of  
the kings of France, I haue ſpo-  
ken before: & you ſeeme alſo either to threaten d Cap. 9.  
or preſage the third chaunge, from the king who  
now

now reigneth, and other Princes of the house of *Burbon*. It was your desire, you applied your endeavour, with all the power and perswasions you could make. You knit diuers of the Nobilitie in a trecherous league against him; you incensed the people; you drew in forren forces to their assistance: by which meanes, the Realme fell daily into chaunge of distresse, the men of armes making all things lawfull to their lust. The good did feare, the euill expect; no place was free, cyther from the rage or suspicion of tumult; fewe to bee trusted, none assured, all things in commixtion; the wisest too weake, the strongest too simple, to auoyde the storme which brake vpon them: the people ioyning to their miserable condition many complaints, that they had bene abused by you, in whose directions they founde nothing but obstinacie and rashnesse, two daungerous humours to leade a great enterprife. At the last, when lamentable experience had made that knowne vnto them, which they had no capacitie by reason to foresee, they expelled as well your company as counsell out of the Realme; and so the firebrands which you had kindled, were broken vpon your owne heads; hauing opportunitie by your iust banishment to enter into conscience, both of the weakenesse and wrong of your aduice.

The partition of the Realme of France between *Charles* the great, and *Carloman* his younger brother, and also the vniting thereof againe in *Charles*, after the death of *Carloman*, depended vpon the disposition

tion of *Pepin* their father, and not upon the election of the people. *Girard* saith, that *Pepin* hauing disposed all things in his new Realme which hee thought necessarie for the suretie thereof, hee disposed his estate; leauing the Realme of *Noion* to his sonne *Charles*; and to *Carloman* his other sonne, that of *Soissons*; & that by the death of *Carloman*, both his place and his power did accrue vnto *Charles*. In this manner, the first of a family, who hath attained a kingdom, hath ordinarily\* directed the succession thereof.

e Lib. 1. de  
l'estate. fol 48.

The contention betweene *Lewis le debonaire* and his sonnes, according to your owne Author *Girard*, & proceeded and succeeded after this manner. f De Pestate.  
Certaine Lords of *France* taking discontentment at the immoderate fauours, which the king shewed toward *Berard* his great Chamberlaine, conspired against him; and for their greater both countenance and strength, drew his owne sonnes to bee of their faction. But *Lewis* brake this broile, more by foresight then by force; and doing execution vpon the principall offenders, pardoned his sonnes. Yet they, interpreting this lenitie to slacknes of courage, rebelled againe, gathered a greater strength, & drew Pope *Gregorie* the fourth to bee a complice of their vnnaturall impietie: whereby it appeareth (saith *Girard*) that they are either foolish or mischieuous, who wil affirm, that euery thing is good which the Popes haue done. Afterward they tooke their father, vnder colour of good faith, and sent him prisoner to *Tortane*, & then at *Compeigne* assembled a Parliament,

Q 2 com-  
and

composed of their owne confederates, wherein they made him a Monke, & brought his estate into diuision & share. It is easie to coniecture (saith the same *Girard*) what miserable conditions the Realme then endured; all lawes were subuerted, all things exposed to the rage of the sworde, the whole realme in combustion, and the people extreamely discontented at this barbarous impietie. In the ende *Lewes*, by the aide of his faithfull seruants was taken out of prison, and restored to his kingdome; and his sonnes acknowledging their faulte, were receiued by him both to pardon and fauour. His sonne *Pepin* being dead, he diuided his Realme among his other three sonnes, *Charles*, *Lewes*, and *Lotbair*; but *Lewes* rebelled againe, and was again receiued to mercie: lastly, hee stirred a great part of Germanie to reuolt, with grieffe whereof the good olde man his Father died. After his death, *Lewes* and *Lotbair*, vpon disdaine at the great portion which their Father had assigned to their brother *Charles*, raised warre against him. The battaile was giuen, wherein *Charles* remained victorious, reducing them both vnder such conditions, as hee thought conuenient to impose. Loe heere one of your plaine and euident examples, which is so free from all exception. But mindes corruptly inclined, holde nothing vnlawfull, nothing vnreasonable, which agreeth with their passion.

*Loyse le Begue*, succeded after *Charles*, not as you affirme, by authoritie of the states, but (as in France at that time it was not vnusuall) by appointment of his father. And wheras you write, that *Loyse* at his first entrance had like to haue bin deprined by the states,

but

but that calling a Parliament, he made the many faire promises to haue their good will; it is a very idle vn-truth, as appeareth by the Author who you auouch. At his death, he left his wife great with childe, who afterward was called *Charles* the simple. But before he had accomplished the age of 12. yeares, there stept vp in his place, first *Loys* and *Carloman* his bastard brothers; then *Charles* surnamed *le Gros*; and after him *Odo* Earle of *Paris*. Then *Charles* the right heire attained the Crowne; and then againe were raised against him, first *Robert*, Earle of *Angiers*; and afterward *Ralph* king of *Burgundie*. But where you attribute these mutations to the authoritie of the states, *Girard* saith, that they were by faction & vsurpation of such, who fro the weaknes of their Prince, did make aduantage to their owne ambition; affirming plainly, that betweene the death of *Loys le Be-gue*, & *Charles* the simple, not one of them who held the crowne of the Realme was lawfull king, noting further, that the first two races of Kings, were full of cruel parricides & murthers; & that in those times the Realme was ofte trauelled with tempests of seditio.

g Dil'ctare.  
lib. 1. pa. 534.

Of the vsurpation of *Hugh Capet* I haue spoken before: *Girard* writeth, <sup>h</sup> that althogh he sought many shadowes of right, yet his best title was by force, which is the comon right of first vsurpers. And whereas you write, that *Henry* the first was preferred to the crowne of *France* before *Robert* his elder brother: First, it was not by appointment of the states, but of their father; Secondly, *Girard* maketh the matter doubtfull, affirming, that some said he was the younger brother; Lastly, it set vp a dangerous and doubtfull warre betweene them.

h li. 2. fol. 60. b.

Fol. 63. a

Further, where you write, that *William* being a bastarde, succeeded *Robert* his Father in the Duchie of Normandie, notwithstanding the saide *Robert* left two brothers in life, it was at that time a custome in *France*, that bastards did succeed, even as lawfull children. *Thierry* bastard of *Clouis*, had for his partage the kingdome of *Austrasie*, now called *Lorraine*. *Sigisbert* bastard of king *Dagobert* the first, parted with *Clouis* the twelfth, his lawfull brother. *Loys* and *Carloman* bastards of king *Loys le Begue*, raigned after their Father. But in the third race of the kings of *France*, a law was made, that bastards should not succeed in the Crowne, and yet other bastards of great houses were stil aduowed, the French being then of the same opinion with *Peleus* in *Euripides*.<sup>k</sup>

<sup>k</sup> In Andromache.

πολλοὶ δὲ τοὶ  
ἄλλοι τὴν πατρὶν ἀποκρίσας.

Oftentimes many bastardes excell those that are lawfully borne: which is verified by *Hercules*, *Alexander* the great, *Romulus*, *Timotheus*, *Themistocles*, *Homer*, *Demosithenes*, *Brutus*, *Bion*, *Bartolus*, *Gratian*, *Peter Lombard*, *Peter Comestor*, *Io. Andreas*, and diuers other of most flourishing name.

Your examples of *Leues* the 6. and *Leues* the 11. are not worth a word in answer. In the beginning of their raigne, you affirme that they had like to haue beene disinherited by the state, for the offences of their Father. You beare a minde charged with thoughtes vaine, busie and bolde, without any re-  
 ¶reint either of honestie or of discretion. For how  
 else

else could you here also affirme, that King Henry the third of England, was condemned by his Barons to be disinherited, for the fault of his Father? It is vsuall with you in all your reports, either plainly to breake beyond the boundes of all truth, or grossely, (for I cannot now say artificially) to disguise it, with many false and deceiueable termes. But to conclude for the state of *France*, which is also to exclude whatsoever you haue said; vnder the raigne of *Charles* the fifth, <sup>1</sup> for the better establishment of this right, and for cutting of those calamities which accompanie vsurpatiō, there was a lawe made, that after the death of any King, the eldest sonne should incontinently succede.

1 1375

We are now come to our English examples, of which you might haue omitted those of the Saxon kings; as well for that there could be no settled forme of gouernment in those tumultuous times, as also for that our Histories of that age are very imperfect, not leading vs in the circumstances, either of the maner or occasion of particular actions: they declare in grosse what things were done, without further opening, either how or wherefore. But both these doe make for your aduantage: for who seeth not, that your exāples are chiefly bred in tempestuous times; and the obscuritie of Histories will serue for a shadowe to darken your deceit,

Well, let vs take both the times and Histories as they are. How will you maintaine that *Egbert* was not next successour to *Briticus* by propinquitie of blood? *Briticus* left no children, and *Egbert* was descended:



m Lib 4. circa  
fin.  
n Digest.  
Ang. lib. 1. ca. 2.

cended of the blood royall, as *Polydore* affirmeth, in *William Malmesbury*<sup>n</sup> saith, that he was the only man aliue of the royall blood, being descended of *Inegild*, the brother of King *Ina*. How then is it true which you say, that *Britricus* was the last of the roial descēt? and if it had beene so indeede, the right of election should then haue bene in the state. And thus you stumble at euery step, you entangle your selfe without truth or ende. You snatch at the words of *Polydore*, where he saith; *He is created king by consens of all*: which doe imply no other sense, but that which a litle after he saith; *That he was saluted king by all*. So we finde also, that the like improper speech was vsed at the coronatiō of *Philip* the second, king of *France*, whereby the Archbishop of *Reimes* did challenge power in the right of his Sea, to make election of the king.

• Lib. 2. ca. 3.

That *Adelsiane* was illegitimate, you follow *Polydore*, a man of no great either industrie or iudgement. *William Malmesbury*<sup>o</sup> accounted *Egwina* the mother of *Adelsiane*, to be the first wife of king *Edward* his father: he termeth her also a noble woman, contrary to that which *Polydore* fableth. *Henry Huntington*, *Roger Howeden* and others, write no otherwise of him, but as of one that was lawfully borne. And in that you english these words of *Polydore*, *Rex dicitur*; *Rex a populo salutatur*; *Hee was made king by the people*: In that you affirme also, that for the opinion of his valure hee was preferred before his brethren which were lawfully borne, whome you acknowledge to be men of most excellent both expectation

tation and proofs, you doe plainly shewe, that we hath made you too open in straining of truth.

*Eldred* did first take vpon him but as Protector, becaule of the minoritie of the sonnes of *Edmund* his elder brother; and after ward entred into full possession of the Crowne. But that his nephewes were put backe by the Realme, it is your owne idle inuention; it was no more the act of the realme, then was the vsurpation of King *Richard* the third.

That *Edwin* was deposed from his estate, it is inexcusably vntrue. *Polydore* P writeth, that the Northumbrians and Mercians not fully settled in subiection, made a reuolt. *Malmesburie* q saith, that hee p Lib. 6.  
was maimed of a great part of his kingdome, by the stroke of which iniurie he ended his life. And q Lib. 3, ca. 8.  
whereas you write in commendation of King *Edgar* his next successor, that he kept a Nauie of 6600. shippes for defence of the Realme, you discover your defectiue iudgement in embracing such reports for true.

In that you say, that many good men of the Realme were of opinion, not to admit the succession of *Ethelred* after the death of his brother, I dare confidently affirme, that you doe not only tel, but make an vntruth, hauing no author either to excuse or countenance the same. In that you write also, that betweene the death of *Edmund Ironside*, and the raigne of *William* Conquerour, it did plainly appeare what interest the Common-wealth hath to alter titles of succession; it doth plainly appeare, that both your reason and your conscience is becomee slavish to your violent desire. For what either liber-

tie or power had the Common-wealth vnder the barbarous rage and oppression of the Danes? when *Cannus* had spread the winges of his fortune ouer the whole Realme, none hauing either heart or power to oppose against him, what choise was then left vnto the people? what roome for right? what man not banished from sobrietie of sence woulde euer haue saide, that hee was admitted king by the whole Parliament and consent of the Realme? It is true, that after he had both violently and vniusly obtained full possession of the Realme, slaine the brother of *Edmund Ironside*, and conueied his children into *Sueden*, he assembled the Nobilitie, and caused himselfe to be crowned king: but neither the forme nor name of a Parliament was then knowne in Englande; and if coronation were sufficient to make a title, no king should be accounted to vsurpe.

Of *Harold* the first, the naturall forme of *Cannus*, our Histories doe varie differently report. *Saxo Grammaticus* writeth, that he was neuer king, but that he died before his Father. *Henry of Huntington* reporteth, that he was appointed but as Regent for his brother *Hardicanutus*. Others write, that apprehending the opportunitie of his brothers absence, he inuaded Northumberland and *Mercia*, by force of the Danes who were in Englande, wherevpon the Realme was diuided, one part holding for *Harolde*, and another for *Hardicanutus*, who was in Denmarke. But because hee delayed to come into England, they all fell, rather not to deniethen to acknowledge *Harold* for their king. Take now  
which

which of these reports you please, for all do serue to your purpose alike.

*Hardicanutus* after the death of *Harold*, came out of Denmarke into Englande : and the people ha- uing their courages broken with bondage, were easie to entertaine the strongest pretender. But af- ter his death, diuers of the Nobilitie, especially *Godwine* Earle of Kent, rising into hope to shake off theyr shoulders the importable yoke of the Danes, aduanced *Edward* the sonne of *Ethel- dred* to the Crowne, as being the next of the race of the Saxon Kings, though not in blood, yet at hand; for *Edward* the onlawe his elder brother, was then in Hungarie : and feare being the only knot that had fastened the people to the Danish Kings, that once vntied, they all scattered from them, like so many birdes whose cage had bene broken. *Edward* being dead, *Harold* the sonne of *Godwine* vsurped the kingdome : for as *Malmesburie* saith; <sup>r Extorta a principibus fide arripuit diadema.</sup> By extorted saith frō the nobilitie he fastned vpon the Crowne a forceable gripe : *Henry Huntington* also, and out of him *Polydore* doe write, that vpon confidence of his power he inuaded the Crowne : which vsur- pation gaue both encouragement and successe to the enterprise of the Normanes. This short pas- sage of Historie you doe defile with so many vn- truths, that it seemeth you haue as naturall a gift to falsifie, as to eate, drinke, or sleepe.

But whete you write that *William* the Con- queror formed any title by cōsent of the realme, you grow into the degree of ridiculous. We finde that he pretended the institution of king *Edward*, which

had neither probability nor force; and that he was nearer to him in blood, then *Harold* the vsurper: but that hee ever pretended the election of the people, it is your own clowted cōceit. For whē he had rowted the English armie in the field, when hee had sacked their Townes, harried their Villages, slain much people, and bent his sworde against the breasts of the rest, what free election could they then make? Your selfe acknowledge also in another place, that hee came to the Crowne by dint of sworde; and at his death his owne conscience constrained him to confesse, that hee tooke it without right <sup>u</sup>. And in that the Pope and the French King fauoured his enterprise, it is not materiall, this was not the first iniustice which they haue assisted. Neither was it the Popes hallowed banner (as you affirme) but the bowe and the arrowe, the only weapon of aduantage long time after to this Nation, whereby hee did obtaine the victorie. One helpe hee had also within the Realme, for that King *Edward* had aduanced diuers Normans, to high place both of dignitie and charge; who gaue vnto him muche secret both incouragement and assistance in his attempt.

And thus in all these turbulent times, you are so farre from finding fūe or fixe, that you are short of any one, who was made King by free authoritie of the people.

King *William Rufus* made no other title to the Crowne, but the testament of his Father: For often vs hath confirmed it for lawe, that a Victor may

t In part. 2.  
ca. 1. pa. 12.

u Lib. vit Will.  
conq.

may freely dispose of the succession of that state, which hee hath obtained by the purchase of his sword. \* The conquerer disinherited his eldest son Robert, for that, knitting with Philip King of France, he inuaded, wasted and spoiled Normandie, and ioy-  
ned in open battell against his father, wherein the father was vnhorsed and wounded, and brought to a desperate distresse of his life. Herevpon he cast forth a cruel curse against his sonne, which he could neuer be entreated to reuoke: in so much as vpo his death-  
bed he said of him w, that it was a miserable coun-  
trei which should bee subiect to his dominion, for that he was a proud and foolish knaue, & to be long  
scourged with cruell fortune. And wheras you write that at the time of his fathers death he was absent in the warre of Hierusalem, it is a very negligent vn-  
truth.

\* Cin. & Bar-  
tol. in l. im-  
perialis, C. de  
nupt.

w. Lib. Viij  
Will. conq.

But it is an idle vntruth that you write, that Hen-  
ry the first had no other title to the crowne, but the  
election of the people. He neuer was elected by the  
people; he neuer pretended any such title. Nubrigen-  
sis \* & after him Polydore y do report, that he laid his  
title, because he was borne after his father was king.  
Malmesburie z saith; Henry, the youngest sonne of Wil-  
liam the great, being an Infant, according to the desires  
and wishes of all men was excellently brought vp, & be-  
cause he alone of all the sonnes of William, was princely  
borne, and the kingdom seemed to appertaine unto him.  
He was borne in England in the third yeare after his fa-  
ther entred into it. And this was the like controuersie  
to that which Herodotus a reporteth, to haue happe-  
ned betweene the sonnes of Darius, the sonne of

x Lib. i. cap 3.  
y In Henr. i.  
fol. 181.  
z In Henr. i.  
lib. 5.

& Quod solus  
omnium filio-  
rum Willielmi  
natus est re-  
gie, & ei reg-  
num videretur  
competere.  
a In polyhim. n

*Hystaspis*, king of *Persia*, when hee prepared an expedition against the Grecians and Egyptians: because by the lawes of *Persia*, the king might not enter into enterprife of armes, before he had declared his successor. *Darius* had three children before he was king, by his first wife, the daughter of *Gobrius*: and after he attained the kingdome he had other foure, by *Atossa*, the daughter of *Cyrus*. *Artabazanes* was eldest of the first sort; *Xerxes* of the second. *Artabazanes* alledged, that he was eldest of all the Kings children; and that it was the custome amongst all men, that the eldest should enioy the principallitie. *Xerxes* alledged, that he was begotten of *Atossa*, the daughter of that king, by whose puissance the Persians had gained, not onely libertie, but also power. Before *Darius* had giuen sentence, *Demaratus* the sonne of *Aristo*, cast out of his kingdome of *Sparta*, came vnto *Xerxes*, and aduised him to alledge further, that he was the eldest sonne of *Darius* after he was king: and that it was the custome of *Sparta*, that if any man had children in priuate estate, and afterward an other sonne when he was king, this last sonne should be his successor: vpon which ground *Darius* pronounced in the behalfe of *Xerxes*. The same historie is reported by *Iustine* <sup>b</sup>, and touched also by *Plutarch* <sup>c</sup>, although they differ, both from *Herodotus*, and one frō the other in some points of circumstance. Hereto also agreeth that which *Iosephus* writeth <sup>d</sup>, in reprehending king *Herod*, for excluding *Alexander* and *Aristobulus* his sonnes, and appointing *Antipater*, borne to him in priuate estate, to succeed in his kingdome.

Many

<sup>b</sup> Lib. 2.<sup>c</sup> Lib. de fractura benevolentia.<sup>d</sup> Antiq. lib. 16 cap. 3.



Many great Lawiers haue subscribed their opinions to this kinde of title; and namely *Pet. Cynus*, *Baldus*, *Albericus*, *Raph. Fulgosius* <sup>e</sup>, *Rebuffus* <sup>t</sup>; and *Anto. Corsetta* <sup>g</sup> deliuereth it for a common opinion. But with this exception, if the kingdome be acquired by any other title then by succession, according to proximitie in blood: for in this case, because the dignitie is inherent in the stocke, the eldest sonne shall succcede, although he were borne before his father was King <sup>h</sup>. And therefore *Plutarch* writeth that after the kingdome of *Persia* was sciled in succession, when *Darius* the King had foure sonnes, *Artaxerxes* the eldest, *Cyrus* the next, and two other, *Parysatis* his wife hauing a desire that *Cyrus* should succcede in the kingdome, pressed in his behalfe the same reason wherewith *Xerxes* had preuailed before: affirming, that shee had brought forth *Artaxerxes* to *Darius*, when hee was a private man; but *Cyrus*, when he was a king. Yet *Plutarch* writeth, that the reason which shee vsed was nothing probable; and that the eldest was designed to be King.

Howloeuere the right stood betweene *Robert* Duke of Normandie, and his younger brothers, the facte did not stande eyther with the quiet or safetie of the Realme. For, during the raigne of *William Rufus*, it was often infested vpon this quarell, both with forren armes and ciuill seditions; which possessed all places with disorder, and many also with fire, rapine and blood, the principall effects of a licentious warre.

These

e In l. imperiali § illud.  
C de nupt.  
f In l. si le-  
natus C de  
dignit. lib. 12.  
g In tract. de  
pot. & excell.  
reg §. 16.

h Pet. Iac. in  
arb. success.  
reg Franc. 107  
Rai in cap.  
præterea. tit.  
de prohi feud.  
ali & in tract.  
mobil quest.  
10. Iac. a S.  
Georg. in  
tract. feud.  
D. Benedic.  
in rep. c. Rasi-  
narius. n. 200.  
de testam.  
i In Artax-  
erxe.

These mischiefs not onely continued but encreased in the raigne of King *Henry*, vntill *Robert* the eldest brother was taken prisoner in the fielde, which put a period to all his attempts. So dangerous it is vpon any pretence to put bye the next in succession to the crowne.

This *Henry* the first left but one daughter, and by her a young sonne named *Henry*, to whom hee apoynted the succession of the Realme: and tooke an oath of all the Bishops, and likewise of the Nobilitie, to remaine faithfull vnto them after his de cease. Yet you write, that because *Stephen*, sonne of *Adela*, sister to King *Henry*, was thought by the states more fit to gouerne, he was by them admitted to the Crowne. In which assertion, you cannot be deceiued, you do not erre; but your passion doth pull you from your owne knowledge and iudgement. *Polydore* writeth, <sup>k</sup> that hee possessed the kingdome contrary to his oath, for which cause the mindes of all men were exceedingly moued: some did abhorre and detest the impietie; others, and those very fewe, vnto whom full of periurie, did more boldly then honestly allowe it, and followed his part. Further he saith, <sup>i</sup> that he was crowned at Westminster, in an assembly of those noble men who were his friends. *Nubrigensis* affirmeth, that <sup>m</sup> violating his oath hee inuaded the kingdome.

*William Malmesburie*, who liued in King *Stephens* time, saith <sup>n</sup>; that he was the first of all lay men, next the King of Scots, who had made oath to the Emperesse *Mawde*; and that he was crowned, <sup>o</sup> three Bishops being present (of whom one was his brother)

no

<sup>k</sup> Lib. 12. in  
prin.

I Ibidem.  
m Sacramenti  
præuaricator  
regnum in va-  
sit.  
n In hist. nō.  
wel lib. 1. fol.  
101. a.  
o Tribus epif-  
copis præsen-  
tibus, nullis  
abbatibus,  
paucissimis  
optimatibus.

no Abbot, and a very fewe of the Nobilitie. *Henry Huntington*, who liued also in the same time, saith p 3 that by force and impudencie tempting God, he inuaded the Crowne. Afterward he reporteth q, that being desirous to haue his sonne *Eustace* crowned king with him, the Bishops withstood it, vpon commaundement from the Pope: because hee tooke vpo him the kingdom against his oath; *Roger Hoveden* writeth s, that he inuaded the Crowne in manner of a tempest.

This is the report of those writers who came nearest, both to the time and truth of this action: whom other Authors do likewise follow. *Polydore*, and after him *Hollingshead* do write, that he tooke vpon him the Crowne, partly vpon confidence in the power of *Theobald* his brother, Earle of *Blou*; and partly by the aid of *Hen* his other brother Bishop of Winchester. *Walsingham* addeth w, that *Hugh Bigot*, who had bene King *Henries* Steward, tooke an oath before the Archbishoppe of Canterburie, that King *Henry* at his death appointed *Stephen* to be his successor. Wherevpon the Archbishop and a fewe others were ouer-lightly ledde, like men blinded with securitie, and of little foresight: neuer considering of daungers, vntill the meanes of remedie were past.

You write that they thought they might haue done this with a good conscience, for the good of the Realme. But what good conscience could they haue in defiling their faith? such consciences you endeavour to frame in all men, to breake an oathe with as great facilitie, as a Squirrel can craeke a

S

Nur.

p lib. 8 pa 217.  
Vigore & impudentia lre-  
tus.  
q Pa. 221.

r Quia regnum  
contra iulu-  
randum pr-  
ripuisse vide-  
batur.  
s Pa. 275.  
quasi tempe-  
stas inuasit.  
t In ptine li. 12.  
u In Steph.  
w Hypodig.  
pa. 8.

Nut. What good also did ensue vnto the Realme? The Nobilitie were set into factions; the common people into diuision and disorder: and as in warres where discipline is at large, there insolencies are infinite; so in this confusion of the state, there was no action which tended not to the ruine thereof; the liues and goods of men remaining in continuall pillage. *Polydore saith x: Matrons were violated, virgins ranshed, Churches spoiled, Townes and Villages rased, much cattle destroyed, innumerable men slaine.* Into this miserable face of extremities the Realme did fall; & into the same againe you strue to reduce it.

x Lib. 12. pa.  
207.

But you say, that for the ending of these mischiefes, the States in a Parliament at Wallingford made an agreement, that *Stephen* should be King during his life, and that *Henry* and his offspring should succede after his death. A man would thinke you had a mint of fables; there is no historie which you handle, but you defile it with apish vntruthes. All our histories agree, that king *Stephen*, vnable to range rhings into better forme, did adopt *Henry* to be his successor. The second *Huntington* saith y, that this agreement was mediated, by the Archb. of Cant. and the Bishop of Winchester, who repented him of the furtherance he gaue to the aduancement of king *Stephen*, when he sawe what miseries did therevpon ensue. The like doth *Hauiden* report x: and *Holingshead* setteth downe the forme of the charter of agreement betweene them; whereby it is euident, that it was a transaction betweene them two, and no compulsorie act or authoritie of the State. I denie not but some Authors affirme, that the King assembled

y Pa 228.

x Fol. 81. a.  
& Pa. 62.

assembled the Nobilitie, but neyther were they the States of the Realme, neither were they assembled to any other ende, but to swear fealtie vnto Henry, sauing the kings honour so long as hee should liue.

After the death of King *Richard* the first, you affirme that the succession was againe broken; for that *Iohn*, brother to King *Richard*, was admitted by the States, and *Arthur* Duke of *Britaine*, sonne to *Geoffrye*, elder brother vnto *Iohn*, was against the ordinarie course of succession excluded. Well sir, I arrest your worde; remember this I pray you, for I will put you in minde thereof in an other place. That which here you affirme to be against the ordinarie course of succession, you bring in an other place for prooffe, that the Vncle hath right before the Nephewe. You do wildely wauer in varietie of opinion, speaking flatte contraries, according as the ague of your passion is cyther in fite or intermission.

The Historie of King *Iohn* standeth thus. King *Richard* the first dying without issue, left behinde him a brother named *Iohn*, and a Nephewe called *Arthur*, sonne of *Geoffrye*, who was elder brother vnto *Iohn*. This *Arthur* was appointed by King *Richard* to succede in his estate, as *Polydore* writeth <sup>a</sup>. *Nubrigensis* saith, that he should have bene established by consent of the Nobilitie, if the Brittaines had not bene so foolishly, eyther suspitious or sonde, that when King *Richard* sent for him, they refused to commit him into his Vncles hands.

<sup>a</sup> Lib. 15. in prin.

But after the death of king *Richard*, his brother *John* seized vpon his treasure in Normandie, came ouer into England, and in an assembly onely of the Nobilitie, was crowned king. Of these, many he wonne with such liberall protestations and promises, as men carelesse of their word are wont to bestowe: others were abused by the perswasions of *Hubert* Archbishop of Canterburie, and a fewe others (saith *Polydore* b) not well aduised.

b Lib. 15 pa.  
262.

c In prologo,  
d Iure propin-  
quitatis,  
e Hypodig.  
pa. 50.

f Lib. 15 pa.  
263.

g Pa. 269.

*Nic. Triuet* saith e, that *John* pretended for his title, not the election of the people, but propinquitie of blood d, and the testament of king *Richard*. The same also is affirmed by *Walsingham* e. And this is the question betweene the Vncle and the Nephewe, of which I shall haue occasion to speake hereafter. But *Polydore* saith f, that diuers noble men did account this to be a fraudulent iniustice, and therevpon did ominate those euils which afterward did enlue. And when the Archbishop was charged, that vnder colour of reason, partly suborned, and partly weake, he had bene the occasion of all those mischiefes. *Polydore* g saith, that he was both grieued and ashamed at nothing more; *Rog. Wendon* affirmeth, that he excused himselfe, that he did it vpon oracles, and by the gift of prophesie.

King *John* hauing locked himselfe into the saddle of state, made one wrong which he had done, to be the cause of a greater wrong; by murdering his Nephew, *Arthur*, Duke of *Britanie*, whose inheritance he did vniustly vsurpe. For this fact the French king depriued him of all the landes which he helde in fee of the crowne of *France*, & prosecuted the sentence



to effect. After this, as men are easily imboldened against an vsurper, when once he declineth eyther in reputation or in state, diuers of the Nobilitie, especially they of the North, confederated against him: but being neither able to endure his warre, nor willing to repose trust in his peace, they cōtracted with *Lewis* the French kings sonne, to take vpon him to be their king. And so it often happeneth in ciuill contentions, that they who are weakest, do runne with a naturall rashnesse to call in a third.

*Lewis* being arrived vpon the coast of Kent, the Nobilitie of that faction<sup>b</sup>, came and sware allegiance vnto him. The Londoners also, many vpon an ordinarie desire to haue new kings, others for feare, and some for company, ioyned to the reuolt. Hereof a lamentable presence of all miseries did arise, whereby as well the libertie as the dignitie of the Realme, were brought to a neare and narrow iumpe. The poore people, naked both of helpe and hope, stood at the curtesie and pleasure of the men of armes, the libertie of warre making all things lawfull to the furie of the strongest. The Nobilitie, feeling much, and fearing more the insolencie of the French Natiō, who (as Vicount *Melin* a noble mā of France confessed at his death) had sworne the extirpation of all the noble blood in the Realme, began to deuise, how they might returne into the allegiance of king *Iohn*: in so much as a litle before his death, Letters were brought vnto him from certaine of his Barons, to the number of fortie, who desired to be receiued againe into his peace. But after his death, which happily did happen within siue moneths after the arrival of the French, both their hatred and their feare

<sup>b</sup> Walsing.  
hypodigma.  
pa. 56.



being at an ende, they were all as readie to cast out *Lewes*, as they had bene rash to call him in.

This History you corrupt with verie many odious vntruthes, which are more harsh to a well tuned eare, then the crasping of teeth, or the grating of copper. As namely in affirming, that *Arthur* was excluded, and *Iohn* crowned King by the states of the Realme; that God did more defend this act of the Common-wealth, then the iust title of *Arthur*; that by the same states, king *Iohn* was reiected, Prince *Henry* his sonne depriued, and *Lewes* of *France* chosen to be king; that the same states recalled their sentence against Prince *Henry*, disanulling their oathe and allegiance made vnto *Lewes*. A shamelesse tongue, gouerned by a deceitfull minde, can easily call, faction, the Common-wealth; rebellion, a iust and iudiciall proceeding; open an often periurie, an orderly reuoking of a sentence; Gods secret iudgement in permitting iniustice to preuaile, a plain defence and allowance thereof.

Of the diuision of the houles of Lancaster and Yorke, it is but little that you write, whereto I haue fully answered before: you do wisely to giue a light touch to this example, it is so hotte that it will scalde your throate, King *Henry* the fourth, more caried by cursed ambition, then either by necessitie or right, laide an vniust gripe vpon the Realme, which afterward he did beautifie with the counterfeit titles of conquest and election. So violent are the desires of Princes to imbrace streined titles, by whiche they may disturbe the states of other; not remembring, that right may be troaden downe, but not troaden out; hauing her secret both meanes to support, and seasons

seasons to reuiue her. For although the lawfull successor did warily strike faile to the tempest, because neither the time running, nor the opportunitie present (which are the guiders of actions) did consent as then to enter into enterprife. Yet so soone as one heare of occasion was offered, his progenie did set vp a most doubtfull warre, wherein thirteene battailes were executed by English-men only, and aboue fourescore Princes of the royall blood slaine.

Loe now the smiling successe of these vsurpations; loe what a deare purchase of repentance they did cause! Were it not that passion doth blind men; not only in desire but in hope, they might suffice to make vs aduised, to keepe rather the knowne & beaten way with safetie, then vpon euery giddie and brainlesse warrant to engulph our selues in those passages, wherein so many haue perished before vs. It belongeth to wise men to auoide mischies; and it is the reward of fooles to lament them.

Goe too then, conclude if you please that the people are not bound to admit him to the Crowne; who is the next successor by propinquitie of blood; but rather to weigh, whether it is like that hee will performe his charge, or no. Conclude this (I say) to be your opinion; and that it seemeth to you to be conforme to all reason, lawe, religion, pietie, wisdom and policie, and to the custome of all Common wealthes in the world: and I wil assuredly conclude against you, that you prate without either warrant or weight.

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To

To the ninth Chapter, which  
beareth title,

*What are the principall points which a Commonwealth ought to respect in admitting or excluding any Prince, wherein is handled largely also, of the diuersitie of religions, and other such causes.*

**I**N this passage you handle what cause is sufficient, either to keepe in, or to cast the next in blood out of state. In which question you determine, that God doth allowe for a iust and sufficient cause, the will & iudgement of the people. Your reason is, for that they are the iudge of the thing it selfe, and therefore they are the iudge also of the cause. Your antecedent you proue; First, for that it is in their owne affaire; secondly, for that it is in a matter that hath his whole beginning, continuance and substance from them alone. Your cōsequence you proue by a whole lump of lawe, in alleaging the entire bodie of the ciuill and Canon lawe, assisted also with great reason.

*Diogenes* said of a certain Tumbler, that he neuer sawe man take more paines to breake his necke. In like sort we may say of you; It is hard to finde a man that hath more bussed his wittes, to ouerthrow the opiniō of his wisdom. For the first prooffe of your antecedēt, is not only of no force for you, but strong against you; because no man is a competent iudge in his owne cause; no man can bee both partie and iudge: whereto I wil adde, that no inferiour hath iurisdiction ouer the superiour, much lesse the subiect against the Soueraigne.

Your

Your second prooffe, that all the power of a King hath dependency vpon the people, I haue sufficiently encountred before <sup>h</sup>. And if your consequence <sup>h</sup> Cal. were true, that whosoever is iudge of a thing, is iudge also without controulement of the cause; if this were as agreeable to all lawes as you make countenance, then were all iudgements arbitrarie; then could no appeale be enterposed, for giuing sentence without iust cause; then were it false which *Panormitane* writeth <sup>l</sup>; that a false cause exprest in a sentence maketh it voide.

I In e. per ruz.  
Qui fil. sunt  
legit.

What shall I say? what doe you thinke? doe you think that these far drops of a greasie brain, can bring the tenure of a crown to the wil of the people? what are you who endeavour thus boldly to abuse both our iudgement & conscience? Are you religious? are you of ciuil either nature or education, who vnder the name of *Ciuitian* do open the way to all manner of deceits, periuries, tumults & treasons? What are you? For you shewe your selfe more prophane then Infidels; more barbarous then Caniballs, Tartarians, Moores & Mammelucks; who though they beare themselves in nothing more then hatred and cōtempt, yet do they both loue & honor their kings. I see what you are, the very true follower of the Anabaptists in Garmanie, who openly professed, that they must ruinate the state of kings. And who can asseure vs (for your corrupt dealing make all suspitions credible) that you doe not also follow them both in desire and hope, to imbrace the Monarchy of the whole world: The difference betweene you is this: they pretended retaliation for their warrant: you worke by deceitfull shewe of reason, by falsly either

alleging, or wresting, or corrupting both humane and diuine authoritie.

In what miserable condition should Princes liue, if their state depended vpon the pleasure of the people, in whom company taketh away shame, and euery man may laie the fault on his fellow? How could they commaund? who would obey? what could they safely either doe or omit? Who knowes a people, that knoweth not, that suddain opinion maketh them hope, which if it be not presently answered, they fall into hate? choosing and refusing, erecting and ouerthrowing, as euery winde of passion doth puffe. What staiednesse in their will or desire? which hauing so many circles of imagination, can neuer be enclosed in one point.

And whereas you write, that God alwaies appro- ueth the will and iudgement of the people, as being properly the iudge of the whole businesse; and that euery particular man must simply submit himselfe therevnto, without further inquisition, although at diuers times they determine contraries, (as they did betweene the houses of Lancaster and Yorke) because we must presume that they were ledde by different respects. You seeme not obscurely to erect thereby another priuiledged power vpon earth; which cannot erre, which doth not deceiue.

But it may be some honest minded man will say, that howsoeuer you write, your meaning was otherwise; you write also afterward, that in two cases euery priuate man is bounde to resist the iudgement of the whole people, to the vtermost extent of his abilitie. Well then, let vs take you for a man, whose sayings disagree, both from your meaning, and betweene



tweene themselves: let vs consider what are your two exceptions.

The first is when the matter is carried, not by way of orderly iudgement, but by particular faction of priuate men, who will make offer to determine the cause, without authoritie of the Realme committed vnto them. But this exception is so large, that it deuoureth the whole rule: for in actions of this qualitie, the originall is alwaies by faction: the accomplishment by force, or at least by feare, howsoever they are sometimes countenanced with authoritie of the state. So *Sylla*, hauing brought his legions within the walles of *Rome*, obtained the lawe *Valeria* to be published, whereby he was created Dictator for 14. yeares: by meanes of which force, *Cicero* affirmeth that it was no lawe. Like will *Lorenzo Medicus*, hauing an armie within Florence, caused, or rather constrained the Citizens to elect him Duke. When *Henry* the fourth was chosen king, he held fortie thousand men in Armes. And this is most euident by your owne example, of foure contrary acts of Parliament which at diuers times were made, during the contention betwene the families of *Lancaster* and *York*, not vpon different reasons, as with little reason you affirme, but vpon different success of either side.

In matters of this moment, the orderly course of proceeding is onely by Parliament. The Parliament must bee summoned by the Kings writ, and no act thereof hath life, but by expresse consent of the King. If this forme had alwaies bene observed, neither our Kinges should haue bene deposed, nor the next successours extended,

nor the ritle of the crowne entangled, to the inestimable both weakning & waste of all the Realme.

Your second exceptiō is, when such a man is preferred to the crowne, by whō God is manifestly offended, & the realme preiudiced or endangered: in which case (you say) euery man, with a free and vntwolved conscience, may resist what he can.

It was euen here I looked for you. Your broyling spirits do nothing elsē but sling firebrands, & heape on wood, to set kingdomes in combustiō: What rebellion, what reuolt hath euer bin made, but vnder some of these pretenses? what Princes actions, either by malicious or ignorant interpretation, may not easily be drawen to one of these heades? you are a nursery of war in the common wealth: a Seminary of schisme & diuisiō in the church: In sum, all your actions, all your thoughts are barbarous & bloody.

You write much of right & iustice, but you measure the right & iustice of a cause, by the aduantage of your owne affaires. You speak as hauing a tender touch of the glorie of God, but you stretch out your throte with high wordes of contradiction against him. You make them of care to preserve the state, but you are like the luy, which fermeth outwardly both to embrace and adorne the wall, wherinto inwardly it doth both eate & vndermine. For what meanes either more reading or forceable to ouerthrow a state, then faction and intestine quarels? and what other milke doe you yelde? what are your opinions? what your exhortations? but either to set, or to holde vp sedition and bloodshed? Saint Paul teacheth vs not to resist higher powers, although both cruel and prophane, you teach vs to resist them what:

what we can: the Apostle is followed of al the aunti-  
ent Fathers of the church; you are followed of those  
only who follow the Anabaptists. For my part, I had  
rather erre with the Apostle in this opposition, then  
holde truth with you. But I will speake more mode-  
rately in a subiect of such nature; I wil not say thē that  
I had rather erre, but that I shall lesse feare to erre in  
not resisting with y<sup>e</sup> Apostle, thē in resisting with you.  
New counsels are alwaies more plausible then safe.

After you haue plaide the *Suffenus* with your  
selfe, in setting the garland vpon your owne head,  
and making your imaginarie audience to applaude  
your opinion, as worshipfully wise, you proceede to  
declare what ought chiefly to be regarded, in furthe-  
ring or hindering any Prince towards the Crowne.  
Three points (you say) are to bee required in euerie  
Prince, religion, chiuallrie and iustice; and putting a-  
side the two last, as both handled by others, and of  
least importance, you assume onely to treat of reli-  
gion; wherein, eyther error or want doth bring  
inestimable damage to any state.

You drawe a long discourse, that the highest end  
of euery Common-wealth, is the seruice & worship  
of God; and consequently, that the care of religion  
is the principall charge which pertaineth to a King.  
And therefore you conclude; that whatsoeuer prince  
doth not assaie his subjects to attaine this ende, omit-  
teth the chief part of his charge, & committeth high  
treason against his Lord, and is not fit to holde that  
dignitie, though he performe the other two partes  
neuer so well. And that no cause can so iustly cleare  
the conscience, whether of the people, or of particu-  
lar men, in resisting the entrance of any Prince, as if

they iudge him faultie in religion.

This is neither nothing, nor all which you say. In electiue states, the people ought not to admit any man for King, who is eyther colde or corrupt in religion; but if they haue admitted such a one with so- ueraigne authoritie, they haue no power at pleasure to remoue him. In successiue kingdomes wherein the people haue no right of election, it is not lawfull for priuate men vpon this cause to offer to impeach, either the entrace or cōtinuance of that king, which the lawes of the State do present vnto them: not on- ly because it is forbidden of God (for that is the least part of your regard) but because disorderly distur- bance of a settled forme in gouernment, traineth after it more both impieties and dangers, then hath euer ensued the imperfections of a king.

I will come more close to the point in controuer- sie, and dispell these foggie reasons which stand be- tweene your eye and the truth. There are two prin- cipall parts of the lawe of God; the one morall or na- tural, which containeth three points; sobrietic in our selues, iustice towards others, and generally also re- uerence and pietie towards God: the other is super- naturall; which containeth the true faith of the my- steries of our saluation, and the speciall kind of wor- ship that God doth require. The first, God hath deli- uered by the ministrie of nature to all men; the se- cond he doth partly reueale, & partly enspire to whō he please: and therefore although most nations haue in some sort obserued the one, yet haue they not on- ly erred, but failed in the other.

During the time of the lawe, this peculiar worship of God was appropriate only to the people of Israel,  
in

in a corner kingdome of the world : the flourishing Empires of the Assirians, Medes, Persians, Ægyptiās, Gracians, Syrians and Romans, eyther knew it not, or held it in contempt. The Israelites were almost alwaies in subiection vnder these both Heathen & tyrannicall governments; & yet God by his Prophets enioyned them obedience, affirming, that the hearts of kings were in his hands; & that they were, the officers of his iustice, the executioners of his decrees.

In the time of grace, the true mysteries both of worship and beliefe, were imparted also to other nations; but the ordinarie meanes to propagate the same, was neither by policie, nor by power. When S. Peter offered prouident counsell (as hee thought) vnto Christ, aduising him to haue care of himselfe, and not to go to *Hierusalem*, where the Iewes sought to put him to death, Christ did sharply reprove him for it: when he did drawe his sword, and therewith also drew bloud in defence of Christ, hee heard this sentence; *They that take the sword shall perish with the sword.* Christ armed his Apostles onely with fire & tongues; by force whereof they maintained the field, against all the stratagems and strength in the world. And when Princes did, not onely reiect but persecute their doctrine; they taught their subiects obedience vnto them; they did both encounter and ouercome them, not by resisting, but by persisting and enduring.

This course seemeth straunge to the discourse of of reason, to plant religion vnder the obedience of kings, not only carelesse therof, but cruell against it: but when we consider that the Iewes did commonly forsake God in prosperitie, and seeke him in distresse;

3 Contra Pē-  
tilianum.

distresse; that the Church of Christ was more pure, more zealous, more entire, I might also say more populous, when shee trauelled with the storme in her face, then when the winde was eyther prosperous or calme; that as S. Augustine saith \*, *Want or weaknesse of faith is vsually chastised with the scourges of tribulations;* We may learne thereby no further to examine, but to admire and embrace the vnsearchable wisdome and will of God.

Seeing therefore that this is appointed the ordinarie meanes, both to establish and encrease religiō, may we aduenture to exchange it with humane deuices? Is it the seruants dutie eyther to contradict or dispute the maisters commaundement? is there any more readie way to proue an heretike, then in being a curious questionist with God? is hee bounde to yeelde to any man a reason of his will? It is more then presumption, it is plaine rebellio to oppose our reason against his order, against his decree.

It standeth also vpon common rules: *That which is contrary to the nature of a thing, doth not helpe to strengthen, but to destroy it: It is foolish to adde externall stay, to that which is sufficient to support it selfe: It is sencelesse to attempt that by force, which no force is able to effect: That which hath a proper rule, must not be directed by any other.* And this was both the profession and practise of the auntient Fathers of the Church, as I haue declared before, wherto I wil here adde that which S. Ambrose saith <sup>u</sup>: *Let euery man beare it patiently, if it be not extorted frō the Emperor, which he would be loath the Emperor should extort frō him.* And least they might be interpreted not to mean obedience, as wel to succession as to present power, they alledge that which the captiue

1 Ca. 2.

2 Epist. 54.



captiue Iewes of Babilon did wright, to the tributarie Iewes which were at Ierusalem w; to pray for the life not onely of Nabuchodonosor, the King of Babilon, but also of Balthasar his sonne, the next successor to his estate.

But in latter times, Innocentius hath taught, and is also seconded by Castrensis x, that loue is a iust cause to moue armes for matters of religion; vnder which pretence, diuers men haue pursued their owne priuate purposes & ends. Guicciardine wrighteth y, that Ferdinand who was called the catholicke, did couer al his couetous and ambitious desires, with the honest and holy veile of religion: the like dooth Iouius reporte z of Charles the fifth Emperour. Paulus Emilius & wrighteth thus of all: euery man professeth his war to be holy; euery man termeth his enemies impious. sanctity & piety is in euery mans mouth, but in aduise and in action nothing lesse. The cōsention is for worldly right, take away that, and you shall finde no cause of war. Now they pretend piety to euery mischiese: the name of holy warrefare, (most miserable) is applied vnto armes.

Hereupon such cruell calamities haue ensued in most partes of Europe, & especially in Germanie and France, with so little furtherance to that cause, for whose supportance force was offred, that all the chiefe wrighters of our age are now reduced to the former opinion; affirming with Arnobius a that religion is of power sufficient for it selfe: with Tertulian also b Haecianus c, Castodorus d Iosephus e, S. Barnard f, and others, that it must be perswaded and not enforced. They of your society, as they tooke their originall from a souldier, so they are the onely Atheologians whose heades entertaine no other object but the tumult of realmes; whose doctrine is nothing but confusion and bloodshed; whose perswa-

w. Hierem.  
29. Baruch. 1

x. in rep. l. 5  
de iust.

y. lib. 12.

z. lib. 30.

& Paul.

AEm. 6. 7. 8

a. Adu. ge.  
3. 4.

b. Apolo.

c. Inft. 20.

31.

d. 2. Var.

27. et lib. 10

cpi. 16.

e. de Vi. su.

f. can. ser.



sions were neuer followed, but they haue made way for all-miseries and mischietes to range in, to come forward, to thriue, to preuaile. You haue alwayes bin like a winter sunne, strong enough to raise vapours, but vn-able to dispell them. For most cowardly companions may set vp strife; but it is maintained with the hazard, and ended with the ruine, alwayes of the worthiest, and sometimes of all.

The summe is this. So long as we expresse pure pietie, both in our doctrine and in our doings; all will goe well: but when we make a mixture of deuine and humane both wisdom and power; when we preach policie: when we make a common trade of treason: when we put no difference betweene conscience and conceite; we must needes ouerthrow, either religion or our selues.

Now I will answere the reasons of your assertion. First you say, that if Princes doe not assist their subjects in the honour and seruice of God in this life, God should drawe no other fruite or commodity from humane societies, then of an assembly of brutish creatures. But this reason is not onely weake, as it may appeare by that which hath beene saide, but also brutish, and (which is worse) prophane. For what fruite, what commoditie doeth God drawe from societies of men? is not his glory perfect in it selfe? can we adde any thing to the excellencie thereof? hath he any neede of our broken worship? God is an absolute being, both comprehending, and exceeding all perfections: an infinite being, and therefore his sufficiencies neither can be encreased, neither doe depend vpon any, but onely of himselfe. He was from eternity without any world,  
and



l. c. indzi.  
28. q. 1. c.  
quanto. de  
diuor.  
k. d. c. quāto  
c. gaudemus  
de diuort.  
l. Inc. ex  
parte. 2. de  
conucr.  
coniug.

and an Infidell<sup>i</sup>; yet doth it not permit the like betweene a true Christian and an heretick<sup>k</sup>. And *Panormitane*<sup>l</sup> in his doubting manner denyeth, that the Church hath power to authorize diuorce in case of heresie. So that allowing your comparison for good, yet in case of infidelitie, *S. Paule*; in case of heresie, the Cannon lawe is altogether against you.

You adde, that albeit the religion which a man professeth be neuer so true, yet whosoeuer hath a contrary perswasion thereof, he shall sinne damnably in the sight of God, to preferre that man to a charge, wherein he may drawe others to his opinion. But I will omit this streine, and yet rather as impertinent then true. For there are few nations in the world, wherein the people haue right to prefer any man to be king: & that which you alleage out of *S. Paule*<sup>m</sup> for your prooffe, is very different from the case which you do forme. The Apostle speaketh when an action is of it selfe indifferent, but a weake conscience iudgeth it euill; being also euill by circumstance, in offending others: you speake where an action is good in it selfe, but an erroneous conscience iudgeth it euill. I allowe, that a good action contrarie to conscience is vnprofitable; but that it is alwayes a damnable sinne I dare not affirme. I dare not affirme that the Roman armie did damnably sinne, in deseruing the Empire to *Iouinian*; who excusing himselfe, (as *Zozarus* wrighteth) because being a Christian he could not command a Paganie armie; they did notwithstanding confirme him Emperour; by which means they did afterward embrace the Christian faith. The like doth *Orosius* report, that *Valentinian*, being discharged by *Julian* from being Tribune, because he was a Christian, by consent of the Souldiers was created

*Augustus.*

m. Rom. 14.  
1. Cor. 8.

*Augustus.* I rather take it to be a damnable sinne, which *Zonarus* o. 10. 3. wrighteth of the Bulgarians, in taking armes against their King, because he was conuerted to Christian religion; albeit they did according to their conscience. It were a deflowring of time to diue into the depth of this question; because it appeitaineth to electiue states, and not vnto vs. But where you wright, without eyther authoritie or prooffe, that to assist, or not to resist the aduancement or gouernment of any king, whom we iudge faultie in religion, is a most damnable sinne, of what side soeuer the truth be; you breath out most filthy and vnsauorie smoake; you lift vp your voice into high blasts of blasphemie, against the most high.

God hath taught by the Apostle *S. Paule* P, that who- p. Rom. 19. soeuer resist the higher powers ( which at that time were Infidels) receiue vnto themselues damnation; you teach, that whosoever doth not in the like case resist, doth damnably offend. Werenot the spirit of diuision, otherwise called the deuill seated in your soule, you would not thus openly oppose the setlings of your rotten braine, against the expresse and direct sentence of God. What is it a damnable sinne to doe euery man right? is it damnable to giue *Cesar* that which is his due? to giue tribute, honor, feare, to whom they appertaine? The Apostle saith, that Christians by resisting the power of Infidell rulers, do acquire vnto themselues damnation: and shall wee yeelde credit vnto you, that Turkes, Moores, Infidels, should damnablye sinne, eyther in admitting or enduring the authoritie of a Christian Prince? How vilie doe you value the iudgements of men? at how lowe rate doe you prize both your conscience and credit? I could rise into riot

q. Math. 22  
17.

Mar. 12. 17.

Iuc. 20. 25.

r. Rom. 13. 7

s. Rom. 13. 2

of wordes vpon you, were it not that I respect what is seemlye, rather for mee to speake then for you to heare.

Certainely, if we had receiued no such commaundement from God, the regarde of the quiet of humane societies is sufficient to ouerwhelme your hereticall assertion: for seeing there are many different professions of religion, not onely in the world, but almost in euery nation of the world: seeing also (as *Philo* saith <sup>t</sup>) euery man, cyther by vse or instruction iudgeth his owne religion best: what suretie could any Prince, what safetie could any people enioy, if your fire opinion should take place? what assurance can there be of life or of state, where the sworde beareth swaye vpon such occasions, & that guided by hands both tumultuous and fierce. And seeing among many religions there can be but one truth, if all men should be obstinate lie bent against the gouernment of any, who in their iudgement is faultie in religion; what likelihood can we cyther conceiue or coniecture, but that many errors would soone preuaile against the onely trueth. And therefore it is farre more moderate and safe, to vse the ordinarie meanes both of maintaining and propagating the trueth, and to commit the successe thereof vnto God; and (as *Iosephus* aduiseeth) not to offer eyther contumelie or violence against any religion, least we prouoake thereby the professors thereof to doe the like against our.

Your last reason is drawne from policie and consideration of state; because a King will neyther trust nor fauour, much lesse aduance him, that is not of the same religion with himselfe: but to the contrary, hee shall bee subiect to all molestations, iniuries  
and

and other auersions, which are incident to those who are not currant with the present course of affaires.

Oh sirre; this is the *Helene* for which you contend; you concur in opinion with those *Athenians* of whome *Alexander* demanded deuine honours; not so obstinately to defend heauen, as to loose the benefit of the earth. This is the marke whereat you aime, this is the Compasse whereby you sayle; as diuers flowers doe open and cloase, according to the motion of the same; so according to the variation hereof, you extend or restraine your plyant conscience as you please.

But the Apostle teacheth vs to be obedient to higher powers, for conscience sake <sup>u</sup>, and not for any priuate respect.

<sup>u</sup>. Rom. 13. 5

Besides, all Princes are not of that disposition whereof you speake. *Suida* wrighten of one, who changing religion to please his King, was therefore adiudged to loose his head; one being appointed to crye at the time of his execution; *Hee that keepeth not faith with God, what sound conscience can hee beare towards men?* The Protestants in France are not altogether cast eyther out of fauoure or out of charge: and manie Romane Catholickes in England, doe enioye their full part, of all the plentie and pleasures that the realme can afford.

Lastly, what haue you to doe with reasons of state? This is the Eagles feather which consumeth your deuotion. Your office is to meditate, to pray, to instruct me in pure deuotion, to settle their soules in piety & in peace. But do you containe yourselues within these limmits? nothing lesse. You take vpon you the pollicie of state; you



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you

you fend & deface the reputation of Kings; you make your selues both iudges & moderators of all their actions, allowing them to flie no further then you giue them wings. You dispose not onely their affaires, but their crownes at your pleasure; you hunt them, not to couere, but to death. You contriue waies to compasse your designs; you trainevp your followers in the high mystery of treason; you cast into euery realme the apple of strife: your doctrine is to no other vse but as drummes, Fifes, and trumpets to incense fury.

To these ends, you wrest scriptures, you corrupt histories, you counterfeite reasons, you corrupt all truth (pardon my plainenes I pray you, I haue not attained to your dexterity in disguising matters with smooth termes) you are obstinate to hazard rather all dangers, then to be cut of from one point of your purpose. You acknowledge no religion but your will, no law but your power: all lies, treacheries and fraudes do change their nature, and become both lawfull and laudable actions when they beare for the aduantage of your affaires.

But this is directed to deuotion, (you will say) and as you terme it, *ordine ad deum*, for a holy and religious end. Away then with your deuotion, and so we shall be rid of your dangerous deceit. Away I say with your deuotion; or else we will conclude of you as *Linie* did

of *Anniball*: *nihil veri, nihil sancti, nullus deum metus nullum insuradum, nulla religio.*

*Cap. 9. v. 15.*

